very lengthy. They contain about 120 to 140 pages. The Chairman has to read them. So, he cannot permit. Secondly, I must remind the Members that, on a Zero Hour mention, we do not allow any documents to be laid on the Table Of the House. We cannot set a new precedent in the House. Otherwise, this Table will not have place for anybody to sit also. Please, Mr. Ashok Mitra, will you take your seat?

SHRI ASHOK MITRA: Can I take another minute? ... *(interruptions)*... You see the tariff. You see the calculation of tariff. The electricity cost has been loaded. They are saying that there will be two separate elements in the tariff charges. One is the capacity charge, return on equity and then interest on the money mat is borrowed. .Even that has been .added to the cost of the electricity. On energy payment, all kinds of odd items have been auded, one after another. What ^^1 happen? In terms of their own catculation, by the year 2005, the rate of return, because of all these elements would be *'at* per cent on the capital. L, perchance, the rupee gets devalued, then this 37 per cent could become 47 per cent, 100 per cent, 250 per cent, depending on the extent of devaluation. Now, are we in the Government to push the country down the d:ain? Should we not look into this? The Government knows these facts. The Government has seen these documents and the Government has allowed this. I would humbly request that you should kindly have a discussion with the hon. Chairman and allow us to place these documents on the Table of the HouEe so that the nation knows what this Government is doing with their future.

THE DEPUTY CHAIRMAN: Now, with the permission of the House, I am taking up... *(Interruptions)*...

श्री शंकर दयाल सिंह (बिहार) : मैडम, मुझको आपने यह भेजा है जीरो आवर के लिए।

उपसभापति : जीरो नहीं है। आप जीरो कैसे हो सकते हैं। आप तो यहां वरिष्ठ नेता हैं इस हाउस के। ... (**व्यवधान**)...जीरो आप क्या बोल रहे हैं ? मैंने आपका नाम यहां लिखा है, जीरो नहीं हैं।

श्री शंकर दयाल सिंह : नहीं, जीरो आवर में आपने हमको परमीशन दिया है।

उपसभापति : नहीं, जीरो में नहीं दिया है। आपका नाम लिखा है, 22 मार्च, 1995 के लिए स्पेशल मेंशन एडमिट है। ...(**व्यवधान**)...शंकर दयाल जी, आप शून्य में आ नहीं सकते। आपको मैं शून्य करना नहीं चाहती। आप बोलिएगा जरूर। ...(**व्यवधान**)...

श्री शंकर दयाल सिंह : नहीं, मैडम, मुझको दिया क्या है ? स्पेशल मेंशन ?

उपसभापति : जी, आप आराम से बोलिएगा। अखबार का मामला है। हम न थोड़े ही बोल रहे हैं।

श्री शंकर दयाल सिंह : मैडम, इस सवाल को आप खतम क्यों नहीं कर लेतीं। नवभारत टाइम्स पटना से बंद हुआ है। ...(**व्यवधान**)...

उपसभापति: क्या यह बातें अच्छी हैं ? ...(**व्यवधान**)...अब आप जो कर रहे हैं अपने आपको।...(**व्यवधान**)... आपको जरूर बोलने की इजाजत देंगे। भंडारी जी का है, बहुत से लोगों का है। चतुर्वेदी साहब, सभी ने एग्री किया है। ...(**व्यवधान**)...

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE CUSTOMS TARIFF (AMENDMENT) ORDINANCE, 19&4 (NO. 14 OF

II. THE CUSTOMS TARIFF (AMENDMENT) BILL, 1995

उपसभापति : आप बोलेंगे ?

श्री वीरेन जे० शाह (महाराष्ट्र) : जी।

उपसभापति : बोलिए। आप तो आजकल हरेक पर बोलते हैं, अपोज करते हैं।

श्री वीरेन जे० शाह : दुःख की बात है, बड़े दुःख की बात है लेकिन करना पड़ता है ।

Madam, I beg to move:

> "That this Houss disapproves of ;he Customs Tariff (Amendment) Ordinance, 1994 (No. 14 of 1994) promulgated by the President on the 31st December, 1994."

Madam, this is the third Ordinance of the finance Ministry alone on which I am speaking in this Session itself. I do not know how many more 01 the Finance Ministry's Ordinances are going to be there in this Session. 1 would like the hon. Finance Minister to enlighten us whether there are amy more Ordinances, at least of his Ministry, which are going to come up before the House for approval. 1 am sure that he is going to tell us whether there are any more Ordinances or not. Three at least are known to me. Now, here is the point. The point is about * particular law which had to be brought which, in my opinion, was long overdue—to enable India to take care of the dumping of goods in our country by other countries. So far as the objects are concerned, I will not disagree at all. That is why I said that this was a long overdue one. But, as I have mentioned earlier in my speeches on different Ordinances, the difficulty that we find is this extraordinary attitude of the Government, in several Ministries. I am particularly said to notice that the Finance Ministry too, of whicn one expected that it would not fall into this trap, has brought two such Ordinances, one yesterday end the other the day before. Madam, some time back, in the last one year itself, when I had to stand up and attack or disapprove the Ordinnces,—of course, I will not call it a privilege but a duty to do *so*—you were also kind enough to indicate to the Treasury Benches that the use of Ordinances should be absolutely minimal, that it should be in the spirit in which it was originally intended. When this, subject was discussed at length in the Constituent Assembly by the great persons of India,—*Dr.* Rajendra Prasad was in the Chair and Pandit Jawaharlal Nehru was the Prime Minister and several other eminent Members of both the Houses were there—there wag a specific reference that this Should be an absolutely unavoidable recourse where the Government needed to do something when Parliament was not in session. There have been several sessions of Parliament since the signing of the World Trade Organisation Treaty at Marrakesh by India. Also the negotiations on the Uruguay Round have been going on for years. We have experts in our Government who knew in great detail what this was all about. They were also aware, among various other aspects, of the anti-dumping part of the legislation. This knowledge was there. It was not something that cropped up suddenly that President had to be satisfied that the circumstances existed which rendered it necessary for him to take immediate action. Why were the circumstances such that immediate action was called for on 3lst December sex that it became a lawi on 1st January, 1995? We had adjourned this House on 23rd December, 1994, only. I am aware that the hon. Finance Minister might say that in that particular session, it was a bit difficult to transact various items of business. The question that the hon. Finance Minister mignt want to answer is—

[Shri Viren J. Shah]

as he did yesterday on the SEBI when there was a slight weakness on. the Government side—wnether it was not possible-, within the realms at pots, sibility, whether it was not reasonably workable to make this law well in time and why it could not be introduced between the signing of the Agree, ment at Marrakesh or even before and the deadline which was 1st January, 19t)5. As there was adequate time available, the Government, parti, cularly, the Finance Minister, could have taken those steps as early as possible instead of relying on this very easy solution. What they feel is. "It doesn't matter; Parliament 'may not be in session. We will issue Ordinances. The House will have to approve them." I don't agree with this thinking and that is why I oppose all the Ordinances. The Deputy Chairperson also in the past advised the Treasury Benches in this regard and they all agreed to that. I would like to know what steps the Government would take to bring about ah attitudinal change in the various Departments, in those which are charged with the responsibility of framing legislations not to reply on Ordinances. They should be made to know that this route will not be available and that they have go to frame the legislations well in time. If a legislation cannot be brought during the session of the Parliament and there are valid reasons for this inability, one can understand the need for an Ordinance. I believe that the hon. Finance Minister would try, so far as his Ministry is concerned, to bring about an attitudinal change among his officers so that they would be pre. pared for it and would not rely on Ordinances as some State Governments do. We have the facts and I don't want to name the State Gov. ernments which often resort to Ordinances". If is a historical fact and the matter has gone to the Supreme Court also

Madam, anti-dumpting laws, anti-dumping actions and anti-dumping practices are there in many countries, including the most advanced countries like the United States of America which talk of greater freedom of trade but impose the heaviest anti-dumping duties on the slightest excuse. We did not have them. That is why we felt it necessary that such laws should be there. But I am not satisfied with the wording of some of the provisions of the Bill. In section 4 on page 3 and in section 9A (3) (ii) on page 5 of the Bill, the words, "massive dumping" and "massive import" are used. I have a little dimeulty in understanding these terms. I don't know whether they mean massive import in £ relatively short period or injuries caused by massive dumping of articles, etc. I don't know if it is a term used in the GATT. But this wording may lead to serious ' litigation right up to the Supreme Court because, I feel, the meaning of these terms is liable to Subjective interpretation. The courts might hold that it would be massive import only if it was going to be more than 50 per cent of the total consumption and if it was 5 per cent, it would not be massive import. 1 have a specific case and I think the Government of India is also aware of this that we used to export stainless steel items, wire rods, etc., to the United States of America and in the very first year, the American industries took up this matter with their authorities. Though these imports were less than 0.05 per cent of their annual requirement, they applied 225 per cent punitive duty and the Indian exports were totally stopped. Now, in that context, I don't know if the application of the word "massive" is advisable. I am aware that the hon. Finance Minister may not be in a position to change the wording or bring in an amendment today. If he can, I will be very happy and it will be better.

But I would submit for his eonside. ration that he should look at the wording in the above context, in the context of the endless litigation it is likely to lead to. We know the time litigation takes in our country. It *Makes* several years. In the Ministry of Finance itself, we know there are several excise cases involving hundreds of crores of rupees. The •eases are pending for the last eight, nine or ten years. Injunctions were granted. Stay orders were given and these were not vacated for the last so many years. It is a matter of fact. I am sure we don't want such a situation to repeat itself under this Bill. In view of this, I would request the hon. Finance Minister to consider whether it would be possible for him to rephrase the Bill in order to achieve the objective expeditiously and not to defeat the objective.

Secondly, some mechanism is proposed in the Bill. I am not very clear as to what this mechanism is for because it is the Central Government. According to my information, the mechanism in the United States of America is like this. There is an organisation which is described as the International Trade Commission consisting of six judicial persons. Any complaint made by any organisation or consumer about dumping in that country first goes with all the data to the International Trade Commission. The Commission asks the contending parties to submit their statements. Nobody appears before it. Only statements or affidavits are submitted before it- Once the Com. mission is satisfied, it refers the matter to the International Trade Administration which is under the Department of Commerce. This Organisation goes into the details of the case and recommends anti-dumping duties. And, without being unfair or irresponsible, I might state that the impression one gets is that very often this Department recommends, even if the grounds may not be very good, .cry heavy duties on imports from, other countries in the United States, protecting US interests to the extent which appears to my mind indefensible. But, that is a different point.

Arter they recommend the duty, it goes back to the International Trade Commission which gives the final order . land that order remains effective for a period of two to five years. Is the Government of India thinking of a similar mechanism? Though the International Trade Administration is a part of the Department of Commerce, this Department considers only those complaints which the International Trade Commission sends to them and it forwards their recommendations to the International Trade Commission, where again, the aggrieved party has a right to make their submission. Are we thinking of leaving it to some departmental authority or is there a proposal for creating such a depart. ment which would not foe challenged internationally? I am saying this because this matter would no longer remain with Indian courts. As part of the World Trade Organisation and also as a part of the global aspect of the anti-dumping arrangements, anything that appears to be not proper, may be taken up at different interna^ tional fora to the detriment of our country. From that angle also, I might submit for consideration, the deleting or replacing the word 'massive' with some other suitable word and also for providing a system, a set up, which appears to be and is fairly independent of the Government as such, with certain people in it with a judicial background. We have experience of various appellate authorities and other tribunals which have judicial persons whose impartiality cannot be challenged internally or externally.

Madam, as I said earlier, we are not opposed to the steps that are being taken because we believe that this is in the interest of the Indian in-

[Shri Viren J, Shall]

dustry, the Indian producers, to pre. vent dumping. Only the day before yesterday, I saw the notification that the Government has issued. I do not know whether it has been done for the first time. But I saw for the first time some anti-dumping du. ties on certain products from China. We are aware that very many products from China and the former Soviet Union were being dumped not only into India but other countries also, regardless of the cost, even at 30 per cent of their domestic price. The other countries have taken effective steps. I am happy that our Government Is also taking these steps. But I [am] extremely unhappy, as I said in the beginning, that an ordinance-route had to be taken to bring in such a Bill. It could have been done much earlier through proper, legitimate, Parlia-mentary means.

There is one last sentence in which I want to repeat what I said earlier, let not an impression go out that through our System of governance, through whatever civil service, etc. we are taking the Parliament for granted, that we are making it pos-sible for them not to bother about the Parliament, to go ahead and make ordinances and then thereafter there will be no other go for the Parliament but to pass it. Let that impression not go out and it 5s in the hands of the Treasury Benches and the Cabinet Ministers to insist on their officials that this will not be permitted.

With these words, I move my reso-lution opposing this ordinance.

THE DEPUTY CHAIRMAN: I thought that you are supporting it in principle. It is diametrically oppos-ed to your own... *{Interruptions)...*

SHRI VIREN J. SHAH: Eve time I have spoken—you might ha heard me, not only in this sassi but in the past too—I opposed ordinance system and that is why i are opposing It. We might supps some of the measures which I brought, if they are good, and tl is what I am supporting[1], the obje behind it. But I am opposing ve strongly the method of ordinances

DR. BIPLAB DASGUPTA; He opposed to ordinance. Otherwis he is in line with the Congress I licies.

SHRI SATISH AGARWAL; M dam, may I seek a clarification?

THE DEPUTY CHAIRMAN; Clar fixation at this stage?

SHRI SATISH AGARWAL: M dam, it is very serious and that why I am seeking this clarificati from the hon. Minister. We ha: decided to support the object beh'"i "the Bill. I discussed it with n colleagues and decided that we ha' to support it so far as the antidur ping duties or the countervail'! duties are concerned. That is wh I am not speaking at the momen But I am seeking certain clarifies tions that would help us.

THE DEPUTY CHAIRMAN: L the Minister move the Motion. Of Member is listed from your part] If, at that time you want some clar fications you could speak.

SHRI H. HANUMANTHAPPA (Karnataka); Madam, he can as we speak. ^

THE DEPUTY CHAIRMAN; Bti let the Motion be properly move because two people can't oppose i They can give their names. From th Opposition side one Member has al ready spoken.

THE MINISTER OF FINANC (SHRI MANMOHAN SINGH): M; dam I move:

That the Bill further to amend „.« Cueomts Tariff Act, 1975, as passed by the Lok Sabha, be taken into consideration."

Madam, the Bill seeks *to* replace he Cusoms Tariff (Amendment) Orlinance, 1994 promulgated on 21st recember, 1994 with a view to align he provisions of the Customs Tariff \r*t* 1975 relating to imposition of countervailing duties and anti-dumping duties on subsidised articles and dumped articles, respectively, with the provisions of the Final Act of Uruguay Round of Midtilateral Tryde Negotiations. These amendments were considered necessary since India acceded to join the World Trade Organisation established under :he Uruguay Round of Multilateral Trade Negotiations with effect from 1st January, 1995, and the member countries were required to ensure the conformity of their laws, regulations, and administrative procedures with those provided in the aforesaid Final Act.

As the hon. Members are aware, to protect our domestic 'industry from the injury caused by subsidised or dumped imports, the Customs Tariff Act. 1975 provided for levy of countervailing duties and anti-diimping duties. These provisions were, however, based on the agreements negotiated during the Tokyo Round of Multilateral Trade Negotiations un der the GATT

The Uruguay Round Final Act, inter-alia, contains new agreements on "anti-dumping" and "subsidies and countervailing measures",. The new agreements on these two subjects have addressed many areas in which the previous agreements lacked precision and details.

[THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE) IN THE CHAIR]

The Customs Tariff (Amendment) Ordinance, 1994 wag promulgated to align our laws relating to counter, vailing and anti-dumping duties with those of the Final Act of Uruguay Round Negotiations.

The purpose of this Bill, Madam, is to replace the Customs Tariff (Amendment) Ordinance, 1994, to achieve the above objects. Madam, with these words, I move that the Bill be taken into consideration.

With your permission, Madam, I would like to explain the circumstances in which we had to issue this Ordinance. i respect the sen. timents of the hon. Members that ate far as possible. Ordinances should be avoided and, certainly, I as Finance Minister, take very seriously what is said on the floor of this House. But, m this case, there wore certain com pulsions. Although the Marrakesh Agreement was signed, still there were very considerable uncertainties as to whether the U.S. Congress would, in fact, endorse the final agreement as it emerged and those of the Members who are familiar with what happened in the U.S. Congress, it was a touch and go and, therefore, we did not want to rush prematurely into bringing a Bill until we were sure that a major power like the U.S.A. had really signed the Accord. It is for that reason that this delay occurred. As Shri Viren J, Shah himself hag mentioned, when that ^hing was cleared in the previous* Session, for various reasons which are known to the House this Bill could not be brought in. In the meantime, since the Agreement become effective on the 1st of January, 1995, we had no option but to bring in an Ordinance. I do share the concern of this House thai Ordinances should be avoided, as far as possible, and certainly, I as Finance Minister, will be mindful of the Sentiments of this august House in future. But, *I* have Madam, explained the circumstances in which this could not have been avoided in the present case.

SHRI VIREN J. SHAH; In the United States, even before this final Act was signed, they had anti-dumping measures and they do it very strongly. Supposing India was not in the WTO, is there any Constitutional or international bar against our having same kind of law against dumping and for which we are required to wait for the U.S. to sign the final Act?

SHRI MANMOHAN SINGH: Madam, since we were seeking a Bill which would align our Customs Act in line with our commitments, I think, it was necessary to wait until it was quite clear that the United States also had approved the Uruguay Hound. It is Hue that many countries have bilateral agreements. As the hon. Member has mentioned, even the U.S., under its own national legislation has provisions for anti-dumping. The advantage of this is that, hereafter, once there is nultilateral agreement, if the US does something in violation of that agreement, we have a right to *go* to the WTO to complain and the WTO process would be operative. As far as our views are concerned, multilateral law must have precedence over what any country doe$_5$ unilaterally. To that, extent it is an advance.

The questions were proposed.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): I have a list of Members. I would now like to give the floor to Mr. Hanumanthappa.

SHRI H. HANUMANTHAPPA: Madam, Deputy Chairperson, while I stand to support the Bill, I wish to say that Mr. Viren J. Shah, who moved his Resolution, could have - avoided opposing the Bill only on the ground that it was an Ordinance. The hon. Finance Minister accepted his sentiments also. Shri Viren Shah was also responsible for the Ordinance as per the Minister's statement. Even though the Minister had made Up his mind during the last December Session, among others, Viren Shah himself is responsible not transacting any reasonable *be* ness in that Session which for the Government to bring in this Of nance on 31st December 1994. He responsible partly, if not fully, 1 he could have avoided opposing Bill. He has no objection to contents and objects of the I and he is fully supporting it. He opposing just because the Gove ment has taken recourse to the is: of an Ordinance for which the Go ernment is not responsible. RuL Benches are not responsible. I wou have appreciated if Shri Viren Sh at least .in such circumstances COT have restrained opposition to Bill only on the ground that 1 Government had taken recourse Ordinance. Having said so, Mada Shri Viren Shah and Shri Agarv both have said that they are sui orting the Bill. But, at the sar time, there are friends in the Hoi who could not even wait to say, "Ye have already joined together, I *i* here to oppose it." Mr. Biplab D gupta is already on his legs to crea a *viplav,*

SHRI VIREN J. SHAH: Do 1 presume that Mr. Biplab Dasgupti Party is in favour of dumping goo into India?

SHRI H. HANUMANTHAPPA: B cause you have not opposed the Bi I have to provoke him somehow Now, I have to answer some of tl objections which he may create (In *terruptions)* The very tone i which he, when he stood up, sai "You people have already joine hands", shows that he is going 01 of...

AN HON. MEMBER: Are you op posing the Bill? Come to the poii please.

SHRI H. HANUMANTHAPPA; No .1 am not opposing the Bill.

... (Interruptions,) ...

Actually, I have gone through the proceedings of the other House wherein some of the friends have -taken an exception to this Bill itself raising the same old objections right from the Uruguay Round talks.

SHRI VIREN J. SHAH; I am on a point of order. Are we permitted to refer to the speeches made in the other House and comment on them? Is it permitted?

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE):- -Was it something like that?

SHRI VTRTN J. SHAH: I am as king because he was referring.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): I do not think he was referring.

SHRI VIREN J. SHAH: He referred to the sp2eches made in the other House. He read what the hon. Members of the other House said ___

SHRI H. HANUMANTHAPPA: Am I prohibited from reading the proceedings? I have said that I have only read, and I know the views an(^ the Members of the parties. *(Interruptions)* That is not wrong. No.

1.00 P.M.

I have said that I have read the p oceedings of the other House. I know the views of the Members of the part·es. That is not wrong. I am well within my limits. The obiectJnns voiced outside, in the House and elsewhere are again going back to the signing of.. ... (Interruptions)...

SHRI VIREN J. SHAH: Objections were raised.

THE VICE-CHAIBMAN (MISS SAROJ KHAPARDE): Mr. Shah, pleased do not go on interrupting him.

SHRI H, HANUMANTHAPPA. In this House also there were objections for signing the Uruguay Round and WTO. Honourable Minister, this \s a consequential arrangement. The countries who are parties to the World Trade Agreement have to implement it in their own countries. The prime opposer himself has said that there are laws existing in the other countries also. Madam, we have entered the international market and our bilateral markets or multi-lateral agreements with individual countries have gone and the World Trade Organisation has come into being and by this our trade also will improve. After the collapse of Soviet Russia, after the disintegration o*f* Russia on which Indian trade was very much dependent, we had to look for new avenues and new areas wherein we could push our own goods and our producers also depend upon other countries for their requirements. So India, falling in line with other countries have rightly acceded to join WTO and now we have to enact certain enactments to come on a par with other countries, to have trade on equal laws and equal opportunities. The honourable Minister has already explained that this Bill has come just to safeguard the interests of the local producers, small scale industries on which we are very much dependent and who will be affected if these laws are not enforced? Madam, the Bill seeks to impose a countervailing duty On those goods which have been imported into our country and subs·dised at the hands of the producing countries. if a producing country or the country which exports, reduces its rates to lower than the normal value, with subsidy or with assistance or with grants, to that extent that cost will be reduced and when it comes to our country it may work out cheaper thatn our indigenous production and it will be a very risky competition to the local industries. So, the Bill seeks to safeguard the interests of the local

[Shri H. Hanumanthappa]

producers, local industries and whatever subsidy of grant or reduction that the exporting country has given to that extent, on those rates our Government can levy countervailing duty to just bring it to the norma] value whereby it will not create an unhealthy competition with the indigenous industries. Similarly, the anti-dumping provision under Section 9A is also Dn similar lines. any exporting country reduces its cost of production and dumps into our count, ry to control our market, then also the indigenous producer will be handicaped. So, there are the provisions agreed under the WTO. In order to fulfil those provisions the Government have brought this Bill. Both the countervailing duty and the anti-dumping duty are in agreement with the World Trade Organisation Which is going to help the indigenous industries. So we have to support this Bill. Both these countervailing and anti-dumping duties are in agree, ment with the World Trade Organisation, and these are going to help the indigenous industres. So, we have to support this Bill.

Madam, there is a wrong impression thai the Government has acceded to this because there is pressure or demand from the developed countries. It is not correct because the developed countries are also a party to the Agreement, and they are also bound by the same rules, whether they want them or not. Therefore, in the interest of our country, in the interest of our economy, in the interest of our industries, we have to pass this Bill, we have to enact this legislation, and we can charge countervailing as well as anti-dumps ing duties to protect our local industries. There is another aspect of it. Actually, the Urguay Agreement on tariffs has also put us under another condition that gradually our Customs duties are to be reduced within a span of five years. That is again another step to gradually withdraw the protection given to the local industries so that they can be self-supporting. Spoon-feeding cannot continue for a long time. Our local industries also have to come up and become self-oriented. Not only that. They should also be competitive in the international market. When we enter an international mar. ket, we should be competitive in cost and in quality. So, to achieve these Objects, the Government has brought in these countervailing and anti-dumping duties. I support this Bill. Thank you. Madam.

SHRI SATISH AGARWAL; Thank you, very much, Madam Vice-Chairman, for giving me a chance to speak on this Bill. As a matter of fact, I had no intention to speak on the Bill, but I wanted to clarify the position of my Party which, unfortunately, on account of some misunderstanding, opposed this in the Lok Sabha. I want to put the record straight. 1 am here only so far as the objectives of the Bill are concerned. Despite the fact that my Party has totally rejected the Dunkel Draft and is opposed to that particular Treaty, but because that has become a fact of life now, so far as the limited provisions of this Bill are concerned, I appreciate and welcome them. But I have got certain clarifications to seek from the hon. Finance Minister in this connection, and I think the whole House will be interested in having those clarifications.

Madam, these particular provisions have been incorporated in the Customs Tariff Act, 1975 in order to align our customs tariffs and provisions regarding anti-dumping and countervailing duties in relation to the general agreement or the new agreements entered into in the WTo with other countries or with member countries. I would like the hon. Finance Minister to state in this House what the main difference i_s with regard to the new agreements and what the thrust is of those new agreements which

make it binding for all member countries to align them selves in that particular direction Secondly, to what extent were our laws not in alignment, with those particular agreements, which we have entered into now, on account of which we have brought about these changes? I have asked for the original Act of 1975 from the Parliament Library. It is not available here. Therefore, I cannot make a reference to it-

I would like to seek a further clarification. Through clause 2 of the Bill, you are proposing to substitute new sections 9, 9A and 9B for the existing sections 9, 9A and 9B. The new sections, 9 and 9A, provide for imposition of countervailing and anti-dumping duties. But the new section, section 9B, is an overriding provision. It says:

"9B. (1) Notwithstanding anything contained in section 9 or section 9A,—

(a) no article shallsbe subjected to both countervailing duty! and anti-dumping duty to compensate for the same situation of dumping Or export subsidization;

(b) the Central Government shall not levy any countervailing duty or anti-dumping duty—

I leave out 9B. (1) (b) (i). 9B. (1) (b) (ii) says;

"under sub-section (1) of either of section 9 and section 9A, on the import into India of any article from a member country of the World Trade Organisation or from a country with whom Government of India has a most favoured nation agreement (hereafter referred to as a specified country) unless in accordance With the rules made under sub-section (2) of this section, a determination has been made that import of such article into India causes or threatens material injury to any established industry in India or materially retards the establishment of any industry in India; and"

That is what he said. As far as we are concerned the perception of the World Trade Organisation itself we are opposing. That perception won't be accepted by us. We feel that it is a concomitant result of the Uruguay Round of negotiations. Madam, there was a slogan here from the opposition bench, "Be Indian by Indian". Previously, the Regional Transport officers insisted upon the lorry owners and bus operators to write this slogan on their buses in Tamil Nadu. Now it has given up the slogan "Be Indian' by Indian". Dr. Kalaignar has given an alternative for this slogan. He said instead of writing "Be Indian buy Indian" let us write, "Be good Indians, "Buy Indian goods". The second part of the slogan "Buy Indian goods" is the issue before us now[1]. Madam, regarding liberalisation Policy, a gentleman from the Treasury Benches, an hon. colleague expressed that after liberalisation has taken place, industry has developed. How has the industry developed? Shri Satish Agarwal said that exports from India constitute 0.6 per cent of the world's total exort trade in 1947. India was able to export 2.5 per cent of the total global export trade. From 2.5 per cent it has decreased to 0.6 per cent. That means even though our indutires have developed for the last 40 to 45 years, they have not developed to the extent industries outside have developed. Therefore, we have failed in the development of the industries. After independence and before the World Trade Organisation this is the situation. Then Madam, they have said that they have created employment opportunities. I want to record here that 93,000 people Government employees as well as public sector employees, have been sent home on the pretext of voluntary retirement scheme. Sixty three thousand people from the National Textile Corporation have been sent home. Government may argue. "We have not sent them home; they opted to go out under the voluntary retirement scheme". Voluntary Retirement Scheme is nothing but social compulsion. In

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case a person wants to get his daughter married or wants his son to become an engineer or a doctor, he has to shell out money. When it is not available with him, whether he is willing or not he is forced to resign and take the money from the office and pay it to see that his son becomes a graduate or doctor. This is a social compulsion after liberalisation. I want to know how many people have been given appointment in the Government offices as well as in public sector units and how many people have actually resigned. From this you can find out whether liberalisation has given any fruits or not. Madam, in the United States of America, the Intelligence Department has started a wing called the commercial wing. Now Commerce has actually been taken, over by the Intelligence Department to sabotage the development of the developing countries. Has the Government of India taken into account this particular aspect? I do not. I hope that Government at last now will consider this issue- Madam, unfortunately in our Constitution there is no provision to see that any international treaty gets consent from the Parliament. When it is not so the Government is taking undue advantages. It is against the federal system also. The Patent Act is going to affect the Statese. But without getting any confirmation from the States, since they are having some majority a manipulated majority they are able to get this Bill through. But what I feel is that it affects the rights of the States it is sabotaging the rights of the States, it is destroying the rights of the States. Madam, regarding the countervailing duties I want to know what they are for. *Axe* they for competitiveness? 1 feel that technology development is more essential. Merely with countervailing duties, we cannot compete in the market/ What I want to say is that Sub-section (3) of Section 9 of this particular Bill actually dilutes sub-sdction (1) and (2) of Section 9. Let the Minister reply whether it is not a fact. When he replies, let him quote. I feel that subsection (3) of Section 9 is definitely going to dilute sub-sections (1) and (2) of Section 9.

Madam, Section 9A refers to the pricing and the normal value, and the price that is going to be charged by the exporters from other countries. Suppose the articles are already available in India. What is the protection that we are going to give them? There is no succh protection mentioned in this Bill, Madam, what do they say under sub. section (4) of Section 9? I quote: "If the Central Government is of the opinion, that, the injury to the domestic industry which is difficult to repair...." Here, it is said, "which is difficult to repair." Who has to judge it? Lt is not based on any objective criteria. It is based on the oubjective consideration of the officers sitting in the North Block or *he* South Block. How are they going to define it? There is no definition given in (his? What is the meaning of 'repair? What is the meaning of 'difficult to repair'? It is totally left to the bureaucrats.

Then, Madam, sub-section (6) of Section 9, enables them to levy some duties countervailing as well as anti-dumping duties. You can do it for the first five years. Then you can extend it for another five years. Then you can further extend it for one more year. So, according to the Bill it can be continued for 11 years. After 11 years what, will be the position? In case the Government of India wants to impose the anti-dumping duty on the same articles on which you have already levied it. is there any possibility of the Indian Government levying the anti-dumping duty on the same articles? If it is not so, are you not going to actuality deprive the rights of the future generations?

Then, Madam, they say about the most favoured nations I feel that in the case of 'most favoured nations', we cannot put this anti-dumping duty. If we can, then let the Government say that we can put it even if it is the most favoured nation. I say this because we may have some sort

of connection of some sort of an agreement with some other States. Suppose that State is a developed one- We are a developing State. How can we compete in the cost of production ? We cannot compete unless and until the productivity is increased. If the productivity has to be increased, automatically sophisticated technology has to be applied. When the sophisticated technology is applied, automatically it will affect the employment opportunities. So, what 1 want to ask is: Without affecting employment opportunities, how are you going to reduce the cost of production? Why I am saying this is because recently we have an agreement with the United States in the textiles arena. In the textiles arena, what Mr. Mickey Kantor said is: "Within seven years, the Indian market is going to be fully opened for our products, for our American products." This is what Mr. Mickey Kantor told the United States. But, as far as we are concerned, after the first seven years, their quota system is going to be lessened in a phased manner—that means, in the first seven years in a slow manner, and in the last three years in a fast manner. This is what we came to understand from the media because the agreement that has been signed by the Minister of State has not been revealed to the public or to the Parliament. We will know the correct position if a copy of the full agreement is giyen to us. So, in the first seven years, we have to open the gates, and after seven years the United States is going to open the gates. By this, don't you feel that we are humiliated in the international arena?

Then, Madam, take the case of gold. We made some arrangements so that gold smuggling does not lake place, Suppose, you want to put some anti-dumping duty, some countervailing; duty. What will happen? What I feel is that instead of proper imports,! there may be smuggling. It may lead to an increase in the smuggling of' gold. In that case, when smuggling takes place, automatically the earnings on the Customs duty will be affected. How are you going to counter all these problems? Nothing has been mentioned here about that. Nothing has been mentioned even on the question of pricing and monitoring.

Another important aspect is the impact on our culture. Mr. Chaturanan Mishra had emphasised this point. I would join with him in saying that our culture is being eroded as a result of this influence; it is getting degenerated. If you go to the metropolitan cities and see the wall-posters, if you see the cinema-halls, you would find the extent to which the minds of our future generation are being corrupted by this cultural invasion. (Time bell rings) Madam, just two-three minutes more. Now, marriage between a man and another man and between a woman and another woman is taking place. This sort of thing has come to India also. Some five years before, one could not see television serials with one's sister. Now, the situation is such that one cannot see television with one's wife even. This is the kind of a situation i has come about now. This is the sort of cultural degradation which is taking place now.

Even though you have decided to impose countervailing duty, even though you have decided to impose anti-dumping duty, what I feel is that there is still no safeguard. The price shown would be according to Market ^ate There would be one price in the invoice and the actual price would be much less. There would be underhand dealings. The difference would be deposited in the foreign banks in the name of the person who had imported that article into India. I feel that this Bill does not contain any provision to stop such type of malpractice. Nothing has been mentioned in this Bill. This would only result in black money being generated. The

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black money generated in India would be deposited in foreign countries in dollars.

Madam, there are many lacunae in this Bill. The Government says that the objective is to protect the Indian industries. But this is not the way. The British, the French and the Portuguese came to India not with any army, not with guns. They came to India only with consumer goods. The consumer goods were followed by the army. But today, it is only consumer goods. There is no need for any army. The consumer goods themselves have become the arms and ammunition. Earlier, they had used these two weapons, consumer goods and army. Now", as I said, for the purpose of corrupting the minds of the future generation, the consumer goods themselves have become the ammunition. This is what is happening to this country. I feel that another type of dictatorship is going to invade India from which it would be very difficult to liberate our country. Therefore, I say, the sooner this Government goes, the better it is for the people. Thank you.

THE MINISTER OF FINANCE (SHRI MANMOHAN SINGH): Madam, Vice-Chairman, I am very grateful to the hon. Members who have taken part in this debate. I discern that despite the differences over the overall thrust of our economic policy, there is a broad agreement that our country needs a Bill of this type to give protection to our industries.

Madam, we are living in a world where international trade is expanding at a much faster pace than the growth in world output. Also, there are opportunities for us in this world. Particularly, a country like India—I am convinced—cannot realise its full development potential unless, it becomes a major trading nation in the world. I think, in our econmic literature, there is an inadequate appreciation of the fact that although, in aggregate, our country is well-endowed with a lot of natural resources, on a *per capita* basis, we are not that well-endowed. If the Indian economy has to grow at a much faster rate than at the rate at which it has been growing, imports ..become -Devitable in the process of development.

The question is: How are we going to finance qur imports ? For a long time, we have been financing a considerable part of our imports by borrowing and by concessional aid. That era of concessional aid on which we have been relying for the last forty-•live years is coming to an end. Now, if we really want to become a truly self-reliam country, it cannot be done unless and until we lay more emphasis on increasing our exports, unless we ensure that more and more of our imports are financed through our exports. That is the broad thrust of our economic policy. It is not a question of surrendering our economic sovereignty, it is a question of strengthening our capacity to be the masters of our own destiny. Before our Government came into office, in the last decade, about 60 to 65 per cent of India's imports were being financed by our exports. The rest was being financed by foreign by borrowings or through concessional aid. Today, 90 per cent of India's imports are met through exports. Contrary to what Dr. Biplab Dasgupta and others may belief, India's export. I believe, after a long time, is showing a healthy trend. I am not going to claim that that is enough or that what has happened in the last two years necessarily ensure that hereafter everything will be rosy in the Garden of Eden. We have to strengthen our competitiveness. That is the only way India can win respect in the comity of nations.

Why india? What about other countries? Madam, if you look at the foreign trade of India and China, by the early '70's, China's exports and India's exports were roughly the same. To., day, China's exports are over $100

billion. Our exports have gone up only to, let us say, $25 billion. China has the largest trade surplus with the United States. It is only through creating these linkages that you can create a greater economic space for India You cannot great a greater economic space for India and yon cannot win respect for India if you were to draw yourself into a narrow shell of the type that Dr. Biplab Dasgupta and his friends would like us to adopt. I am convinced that India is destined to be a major global play, er. It is India's destiny to be a major economic power house. For that we need a strong economy, an economy which grows at a much faster rate than 3 or 3.5 per cent, an economy in which international trade will be an important factor. We will import more. We will also export more. We will take advantage of the opportunities that ate there in this new evolving economy. We will seek to avoid risks also.

Madam, if I look at the history of the world capitalism in the last 100 years, before the post war years, there were very few economies which threw up the growth rates that many developing countries have thrown up in the post-war years. I think, the liberalisation of international trade was taken advantage of by countries of East Asia. Lately China has taken advantage of it$_i$ but we have remained somehow mired in the fact that we cannot ^{ex}-port more and that we should not export more. That is one of the principal reasons why, forty, fifty years after the Independence, the foreign exchange constraint has been such a binding constraint and it has restricted our opportunities for growth.

Today, the world offers us opportunities for the countries which can learn wherever best practices are available. I also admit that the world that we live in is also full of danger. There is a great scope for leap-frogging. Several countries have leap-frogged. In the 1960's who would have said that if you looked at the world in the 1990s, South Korea would be at the top of the world ? Every country would have said then that India would be the country at the top. That has not happened.

It is not a party matter. Our population is increasing at the rate of 10 million. Our labour force is increasing at the rate of 10 million people- How are we going to get productive jobs for this population? Are these productive jobs going to be secured by this country continuing to grow at 3, 4 or 5 per cent? I respectfully submit that it cannot be done. The challenges that o»r nation faces and the aspirations of India's youth demand that we must set our sight higher and that can happen only If wo become active partners in the world trading system. Without that, India will be condemned to a slow rate of growth. It will mean more misery for our people. It will not mean prosperity. I think, of the type that Dr. Biplab Dasgupta and his friends have been promising us. So, Madam, the purpose of this Bill is very simple. We must ensure that those who come into this country indulge in fairplay; that they do not take advantage of the Indian market in a manner to dump their goods at artificially low prices, at levels of subsidies which are not justified. So, this is a measure to safeguard Indian industries' interests against unfair competition.

Several questions have been raised whether it will succeed or not. This is an experiment. This is not the last word. A lot of case laws will be developed on these issues. Shri Agarwal is not here. He said that we have to define what material injury is. We cannot legislate for all eventualities. There are c®^{1}"* tain eventualities that one can en* visage today; there are certain eventualities which one cannot envisage. In all these matters case laws will be developed. I respectfully submit that in years to come the

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most flourishing branch of law is going to be the international trade law. Whether one likes it or not the new rivalries among nations will be about economic matters, 'Trade disputes will grow. That is one area, therefore, where we need to develop capabilities. We cannot xoresee all eventualities. We have to develop case laws and rules and regulations to ensure that our industry is not subjected to unfair competition.

Shri Viren J. Shah referred to the use. olf certain words. These are the words which appear in the agreement, but I will take note of the concern that he has expressed. As I said this law is not the last word on the subject. We will watch. We are committed to ensuring that this country will not become the dumping ground for foreign goods in a manner which smacks of uniair competition. II this law proves defective, we will come before this House to lamend it properly.

SHRI VIREN J. SHAH: What about the problem of judicial decays?

SHRI MANMOHAN SINGH; The House can rest assured that this is a matter in which we will remain ulert. I think it was Shri Shah who asked what mechanism we have in mind. We have toframe rules. Well, this authority will be based in the Ministry of Commerce. Even now we have a mechanism in the Ministry of Commerce. That mechanism will be used. We have also provided in this Bill for appeal (against the decision of the authority. The appeal will go to CEGAT, which is a quasi-judicial body. Therefore, adequate safeguards have been built into this law.

Dr. Biplab Dasgupta asked for certain clarifications. I would not be able to deal with his philosophical thoughts against the new policy, but he did ask specific questions about our policy to give subsidies.

When Shri Pranab Mukherjee was the Commence Minister, he answered that question several times on the floor of th^s House. Our anility to give subsidy in the area of agriculture is limited not by our commitments under the GATT rules; it is lLrnted by our fiscal concerns. Our abuity, therefore, is not going to be constrained by anything that we have commuted in the GATT. Similarly^ in other areas also, so long as we can tackle the balance of. payments problems, there is a provision for us to make use of subsidies. Therefore, there should be no worry on that particular account.

Dr. Biplab Dasgupta also asked way v»e remu^ed export subsidies in 1991. At that time, this Agreement was not even signed. We removed those subsidies because we adjusted the exchange rate, which was a much better way. of providing an incentive for our exporters. There. - if ore, tor fiscat. reasons we decided that the expert supsidies that were bemg given had outlived their utility. That is why we removed them, it had. nothing to do with the GATT Agreement or anything of that sort. It was done for defending India's fiscals system and for bringing greats, 'fiscal drse aline without hurting, India's exports.

Dr. Biplab I asgupta asked whether we will be are to protect our farmers and whether we will countinue to have the Public Distribution System. I dc not think that there is anything in the GATT Accord which will prevent India from having a Pubac Distribution System, from having a system of procurement which will provide remunerative prices to our farmers. Already, I think the limits to subsidies arc so extensive for tactical purposes that these limits will not be operative. Our ability to subside our economy, whether it is agriculture or other sectors will be limited more by our domestic, fiscal concern than by the GATT Agreement.

Dr. Biplab Dasgupta also asked, whether by doing this, we are subjugating ourselves to the World Trade Organisation. Now, the WTO is a multilateral organisation. One has to recognise that the World that we *live in is* not a morality play. The world is a world of power relationship, there are inequalities among nations with regard to power. India has to flourish, India has to carve out a more economic and political space for itself in a world which is inherently unequal because the world is unequal. We "simply cannot take the view that we will not take part in that part of the world. The real thing is, as I said earlier, to take advantage of the opportunities that the world system offers and to be on guard against the risks and to minimise the risks that are inherent in this system. Exactly that strategy has been adopted by our Government . Let me say, if you do not have a multilateral system, then, you will have an international trading system which will ensure the law 6f jungle where might is right, and that sort of a system will be much more injurious to the developing countries than a multilateral system in which decisions will be taken by consensus in which the majority of the Members happen to be developing countries, the countries of the Third World.

Madam, I think that I have covered most of the issues that have been raised with regard to the specific Bill. Shri Chaturanan Mishra is not here. Well, he did raise some questions about dumping. I have tried to answer some of these issues. We cannot legislate for all times to come. We cannot legislate for all eventualities, what constitutes dumping and what does not. The case law will develop. We will remain alert, in this matter. With these words, Mradam, I request Members of this House to pass this Bill unanimously.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Viren J. Shah, are you withdrawing your Resolutions?

SHRI VIREN J. SHAH (Maharashtra): Madam, first I want to make some submissions. As I said in the beginning, the major purpose of my bringing this Resolution is to oppose this system of governing by Ordinance. The hon. Finance Minister did mention that he shares Our sentiments and would like to see that it does not happen. We have heard the same statement from other Ministers also, in the past. So far as the Finance Ministry is concerned, it is one Ministry on which he can have control. I do hope that he would make efforts to see that it does not happen again. The debate has brought up a number of points. On the Ordinance, I want to say one point. That is, from 1991 onwards when we opened our economy or started opening our economy and started economic reforms after years of a closed economy from the point of view of imports, we were throwing open imports, gradually increasing the products to be imported, Was that not the time for thinking about bringing in anti-dumping measures? There must be certain concomitant steps to be taken regarding various policies or decisions that we take? When we kept our doors closed, we had tariffs of 200 per cent or 300 per cent. This was, perhaps, not thought of. When we started reducing the tariffs and also started opening out different products for imports, thai was the time when someone in the Government could have applied his mind that dumping might take place, and, at that times there was nothing, to my mind, which could have prevented India from enacting a law, similar to the laws that other countries had a law which would have enabled us to take effective steps against dumping. And I gave an example in the morning when I started my speach, that a country like the United States, which

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claims to be great believer in free trade, etc., has, m many aspects, a very protective system of tariffs.' It wag so protective that it had weakened its own industry earlier. Even they could have the laws. There was nothing in the world to prevent us. Even though the Dunkel Draft was there, the Uruguay Kound of Negotiations were going on, there was nothing internationally or nationally which could have prevented us from applying our minds and having anti-dumping measures introduced in time. That could have avoided the Ordinance aspect. Why I am saying this is only to point out that from now onwardg there will be many areas where major changes would be takmg place. With those changes if we do not apply our mind to make certain consequential and concomitant changes, we will land ourselves in a similar situation which would, again force us either to do something in haste or to bring in an ordinance at a later stage, which is avoidable. That is one point that could be kept in mind.

Listening to the hon. Finance Minister yesterday and today and even earlier also,— I do not want to put him in an embarrasing position but— if one analysis what he has said,— in factr. what he said right now was mat certain forty years old or fifty years old policies of ours kept us in a peculiar situation, and he gave the example of South Korea—this is precisely an example which I used to give at different places that even small countries also could move because they did not tie themselves up with ^hackkei—like we did to us in India. Unfortunately, without saying it I would not ask Dr. Manmohan Singh to say it but if it was a political person like Mr. Ghulam Nabi Azad or Mr. Pranab Mukherjee, I would have asked him, "Be bold and say it with conviction that we followed wrong policies in the last 40 years." We realize now that we are changing. Mr. Ghulam Nabi Azad said, "We are changing."

But I am not asking Dr. Manmohan amgn m those categorical terms because I do not want to embarrass him, but that is precisely what comes out. This is precisely what people like us were saying for the last 30 years that the kind of regulatory mecnanism that we had brought in, the kind of closed-door policies that we had brought in resulted into what the hon. Finance Minister has mentioned. But we did not allow our exports to grow. We depened on certain kinds of poucy-Lamework which led us to a situation today where if you wain to matter in the global system, where we brought down our exports from a 2 per cent global level when we got independence, to less than 0.6 per cent in global terms calling ourselves *Mera Bharat Mahan,* etc.—we snould have the right kind of irianangement. In the global context we Started shrinking—not *Mahan,* but *Laghu*—, we began shrinking, in the global foreign relations, global monetary aspect and global trade aspect, and I am extremely sorry to say that India rates very low. Well, we have taken some steps now to bring about a change and I hope, we would succeed provided that we have the right kind of management, Governmental management, of which unfortunately particularly for the last 1J or 2 years,, one does not see much evidence. The World Bank itself including a major study done by the World Bank which was supported by Japan. All these studies show something completely different from the kind of policy package which our Finance Minister is introducing. All these East Asian countries, whether Taiwan o$_r$ South Korea or, earlier Japan or Singapore or Hong Kong, all of tnem, followed a rigorous policy of State intervention. The State was an active agent in the economic development. The public gector was encouraged. In fact, the South Koreans have a public sector company in steel which is the most efficient steel company in the world. Even the US steel hire experts from the South Korean steel

company. South Korea set up its steel plant in 1973. We started it in 1956. They have succeeded and we i.ave [ailed. That is a different question. That question also has to be answered. Bal the point is, they also have the public sector activity in steel, in heavy industry, winch they set up despite the oppn-:ii'or\ from the World Bank. The World Bank did not want heavy industtv.s tu be s^t up. Now, this is running so successfully that every one in the world accept that thb is the most successful steel plant in the world.

As far as the tariff policy is concerned, they deliberately and quite extensively gave subsidy to the domestic^ producers for export and they went in for heavy industries, big industries which the World Bank did not want them to set up. The World Bank wanted them to continue with textiles. They said 'no' because they felt that textiles would get them trapped in poverty. They said, "We will go in for big industries, heavy industries, which will have demand after 10 or 15 years. For doing that, they gave enormous amount of subsidy, enormous amount of support. They did promote their industries and sponsored big industries to keep the foreign companies away. They did not allow the foreign companies to come in and compete with them so that the domestic industries could flourish. They worked like this for 10 to 15 years. Having succeeded in this, now they are relaxing state control, not at the beginning. At the beginning, they followed a policy which is completely identical to the policies which were there in India before 1991. From time to time, I find Dr Manmohan Singh denigrating the policies which were followed in the past 50 years, forgetting that over the past 50 years, except for two or three years, the country was ruled by the same party. So, Dr. Manmohan Singh is denigrating the policies of his own party which has led to this debacle. He might not have been there at that time. It is not his individual capacity which counts.

The point is, that they are saying all this as if some other party was in power before 1991. Everything was wrong before 1991 and everything is right after 1991. That is the way it is being put. If you look at the policies followed by the East Asian countries, they did not accept the dictates of the World Bank and did not accept the static concept of comparative advantage. They did not want to specialise only in food and textiles because the market is very very limited. Everybody produces food and everybody produces texriles. They went in for a dynamic concept of comparative advantage and you can see that they have succeeded. Now, the Finance Minister is very fond of saying that the taste of the pudding is in the eating. The taste of the pudding, in the case of East-Asia is in the eating. They have a high rata of growth. They have succeeded in establishing industries and not just one or two industries. They export so many things. All this has been achieved in the last 15 years or so because of the policies that they followed. Now you may ask if the countries that bad been following a policy which was very identical, more or less identical to the Nehruvian policy that we followed until 1991, why did it succeed in their case? What went wrong in the case of India? I will mention only two or three reasons for this. One, all these countries carried out land reform and India did not carry out land reform. Without land reform, you cannot have industrial development. Second, all these countries spent a lot of money on education and human resource development. They have raised the level of literacy which we did not do. Thirdly, even when they went in for import substitution, they did not *to*-get exports. In our country, we protected the domestic industry. We did not force them to export. We did not give them a sort of time frame and did not say that they could not go beyond this time frame.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): You have already taken 35 minutes.

DR. BIPLAB DASGUPTA; I will finish, madam. As a consequence, there was a lot of wastage. I will give you one example. Mr. K. K. Birla was here some time back. The Birlas manufactured cars since 1950.

For more than 45 years they had total monopoly over the manufacture of cars. There were no competitors. What did they do? They did not even change the model. The same model still remains. Everywhere in the world the car industry changes car models every year. The Birlas enjoyed monopoly. They did not change the model for over 50 years. As a consequence, what do we find now? The Ambassador is being sold in Britain—it is really very shameful—as an antique. This is how it is getting sold in Britain and a few other places. The point that I am trying to make is that We should learn from their experience. They also wanted to go in for capitalism, tout self-reliant capitalism. They did not depend on foreign agencies and they succeeded. I hope our friend will take some lesson from this.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Dr. Biplab Dasgupta, you asked for five minutes and I gave you eight minutes.

DR. BIPLAB DASGUPTA: I am finishing. I would like to seek some clarifications. If the Minister clarifies them, we will certainly support it. But we would like him to come out with some specific commitments on these points. Only then can we pass this Bill unanimously. Thank you.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE); Thank you.

SHRI S JAIPAL REDDY; What about lunch hour?

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE); I think we should pass this Bill and then we can have the lunch hour. We. will give you sufficient time for having lunch.

श्री चतुरानन मिश्र (बिहार) : उपसभाध्यक्ष महोदया, जब यह आर्डिनेंस आया था हम लोगों ने इस आर्डिनेंस का विरोध करने के लिए अपना नाम दिया था तो उसका उद्देश्य यह नहीं था कि एंटी डम्पिंग ला बनाया गया बल्कि हमारा मकसद था कि इसको जल्द से जल्द इफेक्टिव ढंग से, असरदार ढंग से बनाया जाए। क्योंकि सही या गलत भारत सरकार ने एक नई नीति अख्तियार की जिसमें मौलिक रूप से पुरानी नीति से अन्तर है। पहले हमारे यहां इम्पोर्ट रिस्ट्रिक्टिड था। जब इम्पोर्ट रिस्ट्रिक्टेड था तो एंटी डम्पिंग एक्ट को उतना मजबूत करने की जरूरत नहीं थी। अब इन्होंने इंडिया गेट खोल दिया सब बाहरी मुल्कों के लिए तो सब कोई आने लगे हैं। जाहिर बात है अपना सौदा ले कर आये हैं। अमेरिका तो हमारा सबसे बड़ा दोस्त है। उसकी हालत यह है कि उसने सारी दुनियां को कहना शुरु कर दिया कि भारत का घघरा इतना बड़ा है कि...

श्री मनमोहन सिंह : फिर भी आप डरते हैं उनसे।

श्री चतुरानन मिश्र : वह डरते हैं आपके घघरे से। हम तो टाइम बम भी...

श्री त्रिलोकी नाथ चतुर्वेदी (उत्तर प्रदेश) : इंडिया गेट और गेटवे आफ इंडिया दोनों खोल दिये।

श्री जगेश देसाई : हमने नहीं देखा बम को।

श्री चतुरानन मिश्र : जापान वालों से जाकर पूछ लीजिए। क्योंकि सबसे शांतिप्रिय देश दुनियां में अमेरिका ही है। वह आपसे भी कह रहा है ऐसा करो, वैसा करो, कैसे बैठो, कैसे न बैठो, क्या करिए क्या न करिए। लेकिन मैं मुख्य विषय से डाइवर्ट नहीं होना चाहता। मैं इतना ही चाहता हूं कि इस कानून को बनाना चाहिए, इसकी सख्त जरूरत है। हमारे देश में इंडस्ट्रियलिस्ट लोगों के जो आर्गनाइजेशन हैं उन्होंने भी यह मांग की है। "फिक्की" ने मांग की है, आपके फाइनेंसियल एक्सप्रेस में निकला है

under the caption: "FICCI STRESSES ON NEED FOR ANTI-DUMPING BODY" that:

"A quasi-judicial body needs to be set up without loss of any precious time to conduct investigation and to impose provisionary anti-dumping duties in order to meet the increasing instances of dumping of foreign goods in our country."

इसी तरह से "एसियोचेम" ने भी मांग की । पूरे इंडस्ट्रियलिस्ट ने यह मांग की है कि इसको जल्दी से जल्दी करें क्योंकि जो नया रास्ता हम लोगों ने अख्तियार किया उसके लिए अनिवार्य हो गया है कि अगर हम अपने देश के उद्योगों की रक्षा करना चाहते हैं तो इस प्रकार का कानून हम बनायें । हमारा जो कानून बना है उसमें इतना डिफेक्ट है कि हम लोगों को शक है कि जिस उद्देश्य के लिए हमने इसे बनाया, हमें उसमें इतनी कामयाबी नहीं मिली । हमारे वित्त मंत्री जी एक्सपर्ट हैं वे बतायेंगे कि क्या एक्चुअली हम डंपिंग रोक सकते हैं ? क्या यह संभव है कि हम लोग इसको रोक सके । मैं एक उदाहरण देना चाहता हूं । हर राष्ट्र का सार्वभौमिक अधिकार है कि वह डिवैल्यूएशन करे । डिवैल्यूएशन के लिए उसको न डब्ल्यू०टी० ओ० में जाना पड़ता है और न वह गैट में जाएगा । देश स्वतंत्र हैं डिवैल्यूएशन करने के लिए । डिवैल्यूएशन से यह होगा कि चीजों के प्राइस कम हो जाएंगे और माल हमारे देश में आने लगेगा । अमेरिका भी डंपिंग करता है । लेकिन यह तो अलग बात है । हम कहना चाहेंगे कि चीन भी डंपिंग करता है । चीन वालों ने डिवैल्यूएशन किया तो हमारे यहां उनका सारा सामान आ गया । मैं वित्त मंत्री जी का ध्यान आकर्षित करना चाहूंगा कि भारत की पब्लिक सेक्टर कंपनी आई०डी०पी०एल० इसलिए पतन की ओर जा रही है क्योंकि ब्लक ड्रग चीन से बहुत सस्ते दामों में हमारे देश में आ रहे हैं । रा-सिल्क में भी इस तरह से होता है । इसलिए क्या डिवैल्यूएशन का कोई प्रावधान आप कर सकते हैं, क्या यह पासिबल है ? मैं मंत्री महोदय से कहना चाहूंगा कि यह वैल्थ विभाग से पूछें कि इसको कैसे कर सकते हैं ।

इंटरेस्ट रेट कोई भी देश कम रख सकता है । हमारे यहां 16, 17 और 18 प्रतिशत इंटरेस्ट रेट बैंकों का है । लेकिन जापान और कोरिया में कहीं 5.50 प्रतिशत और कहीं 6 प्रतिशत है । तो यह इक्वल कैसे होगा और कैसे यह कानून बनेगा । इंटरेस्ट को कम किये बिना इसको कैसे करेंगे । इसी तरह से हाई टेक्नालाजी की बात है । जिनकी हाई टेक्नालाजी है तो उनकी प्रोडक्टिविटी भी बहुत हो जाएगी । श्री मनमोहन सिंह एक एक्सपर्ट आदमी हैं मैं चाहता हूं कि वह इस पर विचार करें । नेहरू जी और अन्य में इसमें फल हो गए लेकिन अगर ये इस पर विचार कर इसको शुरु करें तो बड़ी अच्छी बात होगी । अभी तक इसमें फेल होने का कारण यह है कि हमारे प्राइवेट क्षेत्र के जो लोग हैं व अंडर-इनवाइसिंग और ओवर-इनवाइसिंग करते हैं । इससे तंग आकर नेहरू जी वगैरह ने स्टेट ट्रेडिंग कारपोरेशन की स्थापना की थी । एक फंडामेंटल रीजन जो दिया हुआ है, उस ऐक्ट को बनाने में उसमें यह है । मैं पूछना चाहता हूं कि आज भी आप इनको कैसे पकड़ेंगे कि वे इसको सही रेट में लाते हैं या ज्यादा रेट में लाते हैं। जहां रिसेसन है वे अपना माल सस्ता बेचेंगे, रिकार्ड दिखा देंगे कि रेट हाई है । फिर आप उनको कैसे पकड़ सकेंगे कि वह डंपिंग करते हैं ? इसीलिए हमको लग रहा है कि इन बिन्दुओं के बारे में यह आर्डिनेंस या ऐक्ट जो आ रहा है, उसमें कोई प्रावधान ही नहीं है । खुली छूट है । इसीलिए मैंने कहा था कि आपने इंडिया गेट खुला कर दिया है क्योंकि अगर इसमें डंपिंग होती है तो हम उनको पकड़ नहीं सकते हैं । फिर जो गैट के नियम हैं, इनको हमारे वित्त मंत्री जी हम से ज्यादा जानते हैं, वह वहां जाते हैं, उन लोगों से मिलते हैं । गैट डंपिंग के खिलाफ नहीं है, गैट खिलाफ है इंजूरियस डंपिंग के । व्यापार का कायदा है कि जहां हमारा माल जाय वहां हम उसको बेचें ।

वह कहते हैं कि इंजुरियस, अब इंज्यूरी हुई है या नहीं हुई है, यह दिखलाने के लिए हमारे वित्त मंत्री और कामर्स मिनिस्टर को डाक्टरों के पास सर्टिफिकेट लेने जाना होगा। (व्यवधान) इंडस्ट्री के कहने से क्या होता है, इंडस्ट्री के कहने से कुछ नहीं होता है। इसमें जो गेट का प्रोविज़न दिया गया है, वह यह है कि 25 प्रतिशत प्रोडक्शन जो डोमेस्टिक इंडस्ट्री का है वह कहेगा कि इंज्यूरी हो रही है, इसके बाद अगर 50 प्रतिशत अधिघात कोई करेगा तब देखा जाएगा। इसके बाद प्रोसीजर ऐसा है कि इनवेस्टीगेशन जो होगा वह पहले प्रिलिमिनेरी डिटरमिनेशन बनेगा। तब जा कर इसके बारे में केस फाइल होगा। यह 18 महीने का टाइम लेगा। आम तौर पर डिलिवरी 9 महीने में होती है लेकिन भारत सरकार को 18 महीने लगेंगे डिलिवर करने में कि इंज्यूरी हुई है या नहीं है। अब आप समझ गये होंगे हमारी बात को।

श्री त्रिलोकी नाथ चतुर्वेदी: मिश्रा जी आप बार-बार वित्त मंत्री को एक्सपर्ट कह रहे हैं। किस चीज़ के लिए एक्सपर्ट कह रहे हैं? किस डिलिवरी की बात कर रहे हैं, किस बात की तरफ आपका इशारा है?

श्री चतुरानन मिश्र: डिलिवरी कराने वाला डाक्टर दूसरा होता है। यह तो डिलिवरी करने वाली सरकार के डाक्टर हैं। इसलिए हम कह रहे हैं। हम यह कह रहे हैं कि यह अधिघात जो होता है, इंज्यूरी जो होती है, इसको साबित करने के लिए इतना लम्बा चौड़ा प्रोसीजर बनाया गया है। भारत में यों ही मुकदमें तय नहीं होते हैं। आप सब जानते हैं कि सुप्रीम कोर्ट में 18-20-25 वर्ष लग जाते हैं किसी मुकदमें का फैसला होने में। मैं यह जानना चाहता हूं कि तब तक के लिए क्या होगा? क्या जब तक यह चलता रहेगा? आप काउंटरवेलिंग ड्युटी बढ़ा सकते हैं प्रोविज़नल तौर पर लेकिन यह तो आप कुछ ही महीनों के लिए कर सकते हैं, ज्यादा समय तक नहीं कर सकते हैं... (व्यवधान)

SHRI JAGESH DESAI: I think your suggestion is that we have to take the permission of the WTO t*> Jevy the duties. Is it your suggestion? It is that country which dumps which has to go to the WTO and not we.

SHRI CHATURANAN MISHRA: Provisionally, you can do it for a few months subjeet to a maximum period of four months.

तो आप यह कर सकते हैं लेकिन इसके बाद क्या होगा? हमने यह कहा कि यह जो लॉ है, यह हमारी सोवरेनिटी में जरूर दखल देता है लेकिन हम इसको कैसे रोकेंगे? सारी दुनिया की बात हो रही है कि इसको रोकने के लिए कोई व्यवस्था होनी चाहिए। हम को लगता है कि हमें इसमें देखने में घाटा ही घाटा लग रहा है। कैसे करेंगे, यह सरकार सोचे। हम यह नहीं कहते हैं कि सरकार का यह इंटेशन है कि सारा देश हम विदेशों को दे दें। हम इस नतीजे पर अभी नहीं पहुंचे हैं। अगर पहुंचेंगे तो दूसरी बात है। लेकिन यह कहना कि जो एग्रीमेंट होता है उसमें मार्जिन आफ सब्सिडी की भी बात है। हम लोगों ने एक्ट में तीन प्रतिशत रखा है लेकिन उन्होंने एक दो परसेंट दिया है। खैर हम लोग तीन परसेंट कर के रख रहे हैं। यह अच्छी बात है। लेकिन यह भी साबित करना बड़ा कठिन है। इसमें एक बड़ी दिक्कत यह है कि दूसरे देशों में जो चीज़ बन रही है, उसका हिसाब-किताब कौन बता सकेगा कि वहां क्या-क्या होता है। अमरीका जैसे बड़े-बड़े देशों को छोड़ दीजिए लेकिन हमारे जो आस-पास के देश हैं क्या वह आपको हिसाब-किताब दे सकेंगे कि कितनी सब्सिडी उसमें है, कितनी कास्ट है, कितना खर्चा है। यह तो असंभव बात है, इसको हम पकड़ ही नहीं सकेंगे। इसलिए हम को लगता है कि इसका कोई दूसरा रास्ता निकालना चाहिए। यह प्रोसीजर बहुत टाइम कंज्युमिंग है, इसको कैसे शार्टन किया जाए? सुप्रीम कोर्ट तक जाने की जो छूट रहेगी, हम लोग इसमें क्या कर सकेंगे क्योंकि ज्युडिशियरी हमारे देश में स्वतंत्र है। कानून बना कर के यदि कोई व्यवस्था हम

[श्री चतुरानन मिश्र]

लोग कर सकें तो उसकी बात करनी चाहिए। इसके बाद भी क्या है कि जो डंपिंग करेंगे, मान लीजिए डब्लू०टी०ओ० में जाने की बात आ गई तो डब्लू०टी०ओ० को यह राइट नहीं है कि वह उनको रोक दे। जब आप निर्णय कर सकते हैं कि हम काउंटरवेलिंग ड्यूटी बढ़ा सकते हैं, आपको यह अधिकार है। वहां जाने से काम नहीं होता है इसलिए उधर से भी हम को लगता है कि कानून जो हम लोग बना रहे हैं, वह हमारे परपज को सर्व नहीं करता है। एंटी डंपिंग मेजर्स जो इफेक्टिव होने चाहिए जिनकी अभी सख्त जरूरत हो गयी है, यह हम लोग अभी नहीं कर पा रहे हैं। हम वित्त मंत्री का ध्यान आकर्षित करेंगे कि चेलैया कमेटी की रिपोर्ट के बारे में आप बहुत ज्यादा प्रशंसा भी करते हैं। उसमें दिया हुआ था, अगर 25 परसेंट प्राइस फाल कर जाए जो हम इम्पोर्ट करते हैं उसको तो आटोमेटिक उसको ले लेना चाहिए। लेकिन "गैट" में ऐसी बात नहीं है। इसमें हम किसको मानेंगे? इसको मानेंगे या उसको मानेंगे। तो इसलिए यह तय करने की भी जो एक व्यवस्था होनी चाहिए यह हमको लगता है कि नहीं है उसमें। इसलिए जो यह विधेयक है उसका जो एक ही परपज है कि विदेश से सामान आ रहा है–जब हम देश का फाटक खोल दिए हैं–वह कैसे समानता के आधार पर आए, हमको लग रहा है कि इसकी बहुत कम गुंजाइश है। अगर कानून में और भी स्पष्ट नहीं किया गया तो हम समझते हैं कि यह कानून हमको ज्यादा मदद नहीं कर पाएगा। हम लोगों को अनुभव है यह आपको बता दें। यह भोपाल का जो गैस कांड हुआ था, हम लोग अभी तक मुकदमें ही करते रह गए हैं और जो मरे थे उनका हिंदू धर्म के मुताबिक कई बार पुनर्जन्म हो गया होगा। अगर हिंदू पद्धति ठीक है तो उनका कई बार पुनर्जन्म हो गया होगा, नहीं है तब तो हमको कुछ नहीं कहना है। लेकिन हमारे यहां उसका मुकदमा चल ही रहा है। अगर गैस में इतने जो लोग मारे गए उनका यह हो सकता है तो बाकी मुकदमों का क्या होगा। इसलिए हमको गहरा शक है। इस कानून को बनाने के पहले मंत्री महोदय को चाहिए था कि जो सदन की कमेटियां हैं, उनमें थोड़ा सा इसकी जांच करवा लेते ताकि हम लोग ज्यादा से ज्यादा देख सकते क्योंकि दूसरे देश के लोगों का कानून जब हम देखते हैं तो बहुत तेजी से ये सब मामले कर देते हैं। लेकिन हमारे यहां के मामले में काफी देर लग रही है।

हमारे यहां पूंजीपतियों के दो हिस्से हैं। एक हिस्सा है जो उनके साथ कोऑपरेट करने के लिए आज से ही नहीं जब हम लोग आजादी की लड़ाई भी लड़ रहे थे तब भी इंपीरियलिस्ट कंट्रीज के साथ मिल जुलकर कुछ बिजिनेस करने का उतावला था। कुछ ऐसी ही टेंडेंसीज अभी भी देखने में आ रही हैं क्योंकि वे बहुत ज्यादा उतावलापन दिखला रहे हैं क्योंकि उनके सामने देश के फायदे का सवाल नहीं है, राष्ट्र का क्या होगा सो नहीं है, वे अपना फायदा ज्यादा देखते हैं। इसीलिए उसको देखते हैं।

अन्तिम बात हमको यह कहनी है कि जो गांधीजी ने आन्दोलन शुरू किया था, वह तो स्वदेशी पर आधारित था और यही सिखलाया गया था कि पूरे देश को – स्वदेशी को सिखा करके। जो मनमोहन सिंह जी ने सिखाया है या प्रधान मंत्री का नाम लें क्योंकि ये बराबर उन्हीं का नाम लेते हैं – हम लोग इसलिये भी नहीं लेते हैं कि हमको तो कोई पोस्ट-वोस्ट नहीं मिलने वाली है कि उनका नाम लें और न कोई गारन्टी है – उसमें एक वाक्य कहना चाहूंगा कि आप जो नीति कर रहे हैं, उसमें स्वदेशी नहीं हर चीज विदेशी चाहिये। देश में एक ऐसा वातावरण बन गया है कि सब विदेशी चीजें अच्छी हैं। देश की कोई चीज अच्छी नहीं है। हमारा प्लेबिसाइट भी करवाया जाएगा तो कहा जाएगा कि सरकार भी देशी है, इसलिए खराब है। अगर आप ऐसा कर देंगे तो कहेंगे कि हटाइए इनको। यह भावना जो आपने पैदा की है यह बड़ी

डेजरस भावना है, अत्यन्त ही खतरनाक भावना है। यह कुठाराघात करता है, हमारे उन सारे बुनियादी मूल्यों पर जिनकी नींव पर कोई देश खड़ा होता है, कोई राष्ट्र खड़ा होता है -- उस पर भयंकर चोट करता है।

हम कम्पीटिशन के खिलाफ नहीं हैं, वित्त मंत्री जी। हम उसके पक्ष में हैं। लेकिन समानता के आधार पर कम्पीटिटिवनस हो। तो हम देखते हैं कि कुछ ऐसी चीजें हैं, जिनको दुरुस्त नहीं किया गया है। थोड़ा सा आपने इसमें कदम उठाया है, लेकिन जो रास्ता तय किया जा रहा है, उसके लिए और भी सख्त कदम उठाने की जरूरत है। हो सकता है कि आपको अनुभव होगा। अनुभव के जरिए भी इसको करेंगे। हम यह अस्वीकार नहीं करते हैं कि नहीं करेंगे। लेकिन स्वदेशी की भावना को चोट पहुंचाकर विदेशी की भावना को जागृत करना मौलिक दिशा नहीं है। अब आप बताइए कि आलू की भुजिया भी कहते हैं कि कोई भारतीय नहीं बना सकता है, वह अंकल चिप्स बनाएगा। सब कोई अंकल चिप्स के लिए झगड़ा करते हैं। जो बच्चे वगैरह ट्रेन में जाते रहते हैं, हमारे घर में भी हैं, कहते हैं, अंकल चिप्स लेनी है। हम सोचते हैं, यह अंकलवा कहां से आ गया।

श्री सुन्दर सिंह भण्डारी (राजस्थान) : यह डंकल का साथी है।

श्री चतुरानन मिश्र : आप कहते हैं कि इस कानून के मातहत चटनी आएगी, अब चटनी बनाने लायक भी हम लोग नहीं हैं? हो सकता है कि बुढ़ापे में आप लोगों का झुकाव चटनी की तरफ ज्यादा हो, होता है, हम रूल आउट नहीं करते हैं, लेकिन यह सब क्या हो रहा है, देश में? साफ्ट ड्रिंक्स नहीं कर सकते हैं (व्यवधान)।

श्री जगेश देसाई : जो मैं देख रहा हूं, पहले क्रेज था, लेकिन आज देश में इतनी अच्छी चीजें बनती हैं कि लोग कहते हैं कि अपने देश में जो चीजें बनती हैं, वे अच्छी हैं।

श्री चतुरानन मिश्र : "कोका कोला" और "पेप्सी" जितना बिकता है, उतना कोई इण्डियन बिकता है?

श्री जगेश देसाई : "पेप्सी" को तो पीता ही नहीं है, कोई। "पेप्सी" को तो लोग बोलते हैं, अच्छा नहीं है। हमारी "लिम्का" है . . . (व्यवधान) . . .

श्री चतुरानन मिश्र : देखिए, हो सकता है कि बम्बई में नहीं होता हो, हमको नहीं मालूम है लेकिन हम तो देखते हैं कि सारे देश में दूर-दूर गांव में, जहां लोग गन्ने का रस और शर्बत पीया करते थे, वहां "पेप्सी" घुस गया है। उन आंगन में, यार्डस में उन मौहल्लों में, महिलाओं की कोठरियों में चला गया है, जहां हम लोग वंचित हैं, जाने से, वहां "पेप्सी" पहुंच गया है। तो हमको जो अत्यन्त खतरनाक चित्र देखने को मिलता है।

उपसभाध्यक्ष (कुमारी सरोज खापर्डे) : मुझे लगता है, मिश्र जी, आपका यह बयान जो है, ठीक नहीं है, इसलिए कि "पेप्सी" और "कोक" हिन्दुस्तान में लोग उतना पसन्द नहीं करते हैं, जितना यहां के लोकल प्रोडक्ट को पसन्द करते हैं।

श्री चतुरानन मिश्र : आपकी बात सही होगी, आप चेयर से बोल रही हैं। आप एक आदेश दीजिए, सर्वे कराने का कि सबसे ज्यादा कोल्ड ड्रिंक्स किसका इस देश में बिक रहा है?

आप अगर सही होंगी, तो हम फूल की माला आपको पहनायेंगे, लेकिन भ्रम में मत पड़िये?

उपसभाध्यक्ष (कुमारी सरोज खापर्डे) : मैं भ्रम में बिल्कुल नहीं हूं।

श्री सतीश अग्रवाल : मिश्र जी, हम उम्र में फूल की माला पहना शौक बढ़ गया है।

श्री चतुरानन मिश्र : इस उम्र में हम पहना दें, वह खतरनाक नहीं है, वह हमें पहनाएं तब खतरनाक है।

श्री विरेन जे० शाह : मिश्र जी, आप कहिए – अभी तो मैं जवान हूं।

श्री चतुरानन मिश्र : हम यह कहने के लिए तैयार नहीं हैं, क्योंकि काफी लोग आकर्षित हो जाएंगे तो हम मुश्किल में पड़ जायेंगे, इसलिये हम आपकी तरह लिबरल नहीं हैं, इस विचार पर और हमको यह भी मालूम है कि अब तो टी-वी० और अमेरिकन सेटेलाइट में सब कुछ हो रहा है। अमेरिका में कहते हैं कि मर्द से मर्द शादी करेगा, लड़की से लड़की शादी करेगी, यह सब आप भारत-वासियों को सिखला रहे हैं। अच्छा कर रहे हैं, बाल-बच्चे आपका कल्याण करें, हम तो यही आपसे कहेंगे। हमारे लिहाज से तो हम लोग बर्बाद हो रहे हैं, यह बर्बादी का रास्ता है। आप कुछ चीजों को रोकिए। हम यह नहीं कहते कि एकदम सब चीजों को उलट दीजिए, ऐसा नहीं कह रहे हैं, लेकिन कुछ तो रोकिए। हमारी सभ्यता है, हमारी तहजीब है, हमारी 5000 वर्ष पुरानी सभ्यता है। जब हमारे यहां ढाका का मलमल हुआ करता था, तब तो वे नंगे रहते थे और आज वे हमको उपदेश देने लगते हैं, ह्यूमन राइटस पर। जिसने समूचे रेड इण्डियन्स को मारकर खत्म कर दिया और उसके कुल में कोई बचा नहीं, वह हमको कहता है कि ह्यूमन राइटस पढ़ाइए और आप कहते हैं कि नहीं। विदेशी अच्छी चीज है।

हम आपसे यह प्रार्थना करेंगे कि अपने बिजनेस के हितों को देखते हुए इस कानून को और भी सुदृढ़ करने की कोशिश कीजिए, ताकि हमारे उद्योगों को ड्यू प्रोटेक्शन मिल सके। यही हमको कहना है। धन्यवाद।

श्री सत्य प्रकाश मालवीय : (उत्तर प्रदेश) : माननीया उपसभाध्यक्षा महोदया, मैं बहुत ही संक्षेप में अपने विचारों को रखूंगा। जैसा कि "उद्देश्यों और कारणों" में बतलाया गया है कि "चूंकि 1 जनवरी 1995 से विश्व व्यापार संगठन में भारत को सम्मिलित होना था, इसलिए विवश होकर 1994 के अन्तिम दिन, 31 दिसम्बर, 1994 को, सरकार को एक अध्यादेश लाना पड़ा।" सभी को विदित है कि पिछला जो विंटर सेशन था, उसका अन्तिम दिन 23 दिसम्बर, 1994 था। तो एक दम से सरकार को सपना तो दिखाई दिया नहीं कि 1 जनवरी, 1995 को विश्व व्यापार संगठन में भारत को सम्मिलित होना है। यह जानकारी महीनों पहले से थी, चार-छः महीने, बल्कि और भी पहले से थी। तो यह जो अध्यादेश के जरिए कानून लाने की कोशिश की गई जल्दबाजी में, मैं इसका विरोध करता हूं। हमारे संविधान में प्रावधान जरूर है कि अध्यादेश के जरिए कानून बन सकता है, लेकिन उसकी कुछ परिस्थितियां हैं, जिनका उल्लेख संविधान के अनुच्छेद 123 में दिया हुआ है। अगर यह विधेयक संसद के समक्ष उस समय आता था, बिल आता तो बाकायदा उस पर चर्चा होती और चर्चा होने के बाद सरकार इस विधेयक को पारित करवाती, तो अच्छा था। मेरी समझ से यह बहुत जल्दी में उठाया हुआ कदम था और उसका कारण यह था कि सरकार सजग नहीं थी। अगर सरकार सजग होती तो जिस विधेयक पर हम चर्चा कर रहे हैं, इसको पहले कर सकती थी। इसको रेट्रोस्पेक्टिव एफ़ेक्ट से लागू भी किया है, इस विधेयक को 1 जनवरी, 1995 को लागू भी कर दिया गया है, इसमें जो विवशता है, वह मैं समझ सकता हूं। अगर सरकार सजग होती तो इस विवशता से निपट सकती थी, अगर पिछले सत्र में उसके पहले इस संबंध में बिल संसद में सरकार लाई होती। मैं समझता हूं कि यह उस साल का 14 वां या 15 वां अध्यादेश था और इन 14 या 15 अध्यादेशों में सबसे ज्यादा अध्यादेश वित्त विभाग के ही थे। यह अध्यादेश के जरिए जो कानून बनाने की प्रक्रिया है, संसद की उपेक्षा करके या लोकतांत्रिक जो मान्यताएँ हैं या लोकतांत्रिक पद्धति है, उनके खिलाफ, यह अच्छी नहीं है। मैं समझता हूं कि भविष्य में यदि सरकार कम से कम अध्यादेश लाए, तो बहुत अच्छा हो।

उपसभाध्यक्ष महोदया, दूसरा मेरा कहना यह है कि इसमें सब्शन 9 सबक्लाज 6 के प्रोविजो और सेक्शन 9 सबक्लाज "ए" में अपील का जो इन्होंन प्रोवीजन किया है, उसमें कुछ प्रोविजन है कि अपीलेट ट्रिबुनल में जाएगा। इसमें तीन मैम्बर होंगे, जिसमें एक मैम्बर जुडिशियल मैम्बर होगा या टैक्नीकल से होगा, लेकिन इसमें सेक्शन 9 सबक्लाज 5 में केन्द्र सरकार को रिव्यू का अधिकार दिया गया है। मैं समझ सकता हूं कि सेन्ट्रल गवर्नमेंट कौन है, लेकिन यह रिव्यू अथॉरिटी कौन होगी? मैं चाहता हूं कि मंत्री जी जब उत्तर दें, तो इसका स्पष्टीकरण करें कि जो व्यक्ति या जो लोग इसका रिव्यू करेंगे, उनको कोई जुडिशियल अनुभव होगा या नहीं होगा और किस स्तर के वह अधिकारी होंगे। मैं यह समझता हूं कि रिव्यू करने का भी जो प्रोविजन है, इसको भी कोई जुडिशियल या कोसी-जुडिशियल बॉडी बनायें, इनीशियल स्टेज में, तो अच्छा होगा। इसके कारण जो अपील वगैरह होगी, वह कम भी होगी और इसके लिए निस्तारण में निश्चित, रूप में , जिनको जाना होगा, अपील में उनको जल्दी न्याय मिलेगा, जल्दी फैसला मिलेगा।

उपसभाध्यक्षा महोदया, तीसरी बात मैं यह भी जानना चाहता हूं कि यह जो सरकारी सहायता होती है, सबसिडी, इसकी काफी चर्चा थी, गैट में शामिल होने के पहले। हमारे देश की जो विशेष परिस्थितियां हैं, जो विशेष हालात हैं, खासकर के कृषि क्षेत्र के, एग्रीकल्चर सैक्टर के लोगों को बीज में, पानी के सिलसिले में, बिजली के सिलसिले में सबसिडी मिलती है और धीरे-धीरे यह सबसिडी कुछ कम भी की गई है, पिछले दो-तीन साल में। इस संबंध में मैं केवल एक प्रश्न जरूर जानना चाहता हूं कि हमारे देश में जिन लोगों को सबसिडी मिलती है, विशेषकर के कृषि क्षेत्र में, एग्रीकल्चर सैक्टर में, इस एक्ट का या इस कानून का इस सबसिडी के संबंध में कोई कुप्रभाव पड़ेगा या नहीं पड़ेगा।

इन्हीं सवालों के साथ मैं अपनी बात समाप्त करता हूं। धन्यवाद ।

SHRI S. VIDUTHALAI VIRUMBI; Madam, Vice-Chairman, thank you for having given me an opportunity to say something on this Bill, Madum, This is the fouth Bill coming here for consideration. First came the IDBI Ordinance, secondly the Eanking Acquisition and Transfer of Undertakings, third is the SEBI and this is the fourh. That is why Mr. Viren J. Shah opposed it. Even though he did not oppose the Bill itself, he has opposed the way the Bill has been brought in this House. While bringing in this Bill, our hon. Finance Minister has clearly told in the Statement explaining the circumstances and compulsions, and I quote: "Since India had acceded to the World Trade Organisation with effect from 1-1-1995, the Government of India was required to align its laws relating to countervailing duty and antidumping duty with the provisions contained in the Final Act with effect from 1-1-1995." That is what he said. As far as we are concerned the perception of the World Trade Organisation itself we are opposing. That perception won't be accepted by us. We feel that it is a concomitant result of the Uruguay Round of negotiations. Madam, there was a slogan here from the opposition bgnch, "Be Indian, buy Indian". Previously, the Regional Transport Officers insisted upon the lorry owners and bus operators to write this slogan on their fouses in Tamil Nadu. Now it has given up the slogan "Be Indian, buy Indian". Dr. Kalaignar has given an alternative for this slogan. He said instead of writing "Be Indian, buy Indian" let us write, Be good Indians buy Indian goods" The second part of the slogan "Buy Indian goods" is the issue before us. now. Madam, regarding liberalisation Policy, a gentleman from the Treasury Benches, as hon. colleague expressed that after liberalisation has

[Shri S. Viduthalaj Virumbi]

teken place, industry has developed. How has the industry developed? Shri Satish Agarwal said that ex. ports from India constitute 0.6 per cent of the world's total expo\-t trade in 1947, India was able to export 2.5 per cent of the total global export trade. From 2.5 psr cent it has decreased to 0.6 per cent. That means even though our indus. tries have developed for the last 40 to 45 years, they have not developed to the extent industries outside have developed. Therefore, we have failed in the development of the industries. After independence and before the World Trade Organisation this is the situation. Then Madam, they have said that they have created employment opportunities. I want to record here that *93,000 people* Government employees a? well as public sector employees, have been sent home on the pretext of voluntary retirement scheme. Sixty three thousand people from the National Textile Corporation have been sent home. Government may argue, "we have not sent them home; they opted to go out under the voluntary retirement scheme". Voluntary Retirement Scheme is nothing but social compulsion. In case a person wants to get his daughter married or wants his son to become an engineer or a doctor, he has to shell out money. When it is not available with him, whether he is willing or not, he is forced to resign and take the money from the office and pay it to see that his son becomes a graduate or a doctor. Tills is a social compulsion after liberalisation. I want to know how many people have been given appointment in the Government offices as well as in public sector units and how many people have actually resigned. From this you can find out whether liberalisation has given any fruits or not. Madam, in the United States of America, the Intelligence department has started a wing called the commercial wing. Now Commerce has actually been taken over by the Intelligence Department to sabotage the development of the developing countries. Has the Government of India taken into ac count this particular aspect? I dc not. I hope that Government at least now will consider this issue. Madam, unfortunately in our Constitution there 5s no provision to see that any- international treaty gets consent from the Parliament. When it is not so the Government is taking undue advantages. It is against the federal system also. The patent Act is going to affect the States. But without gettng any confirmation from the States, since they are having some majority a manipulated majority they are able to get this Bill through. But what I feel is that it affects the right? of the States, it is sabotaging *the rights* of the States, it is destroying the rights of the States. Madam, regarding the countervailing duties, I want to know what they are for: Are they for competitiveness? I feel that technology development is more .essential. Merely with countervailing duties, we cannot compete in the market. What I want to say is that Subjection (3) $_0$i Section 9 of this particular Bill actually dilutes subjsections (1) and (2) of Section 9. Let the Minister reply whether it is not a fact. When he replies, let him quote. I fe"l that sub-section (3) of Section 9 is definitely going to dilute sub-sections (1) and (21 of Section 9.

Madam, Section 9A refers to the pricing and the normal value, and the price that is going to be charged by the exporters from other countries. Suppose the articles are already available in India. What is the protection that we are going to give them? There 5g no such protec. tion mentioned in this BUI. Madam, what do they say under sub-section (4) of Section 9? I quote: *"It* the

Central Government Is of the opinion, that the injury to the domestic industry which is difficult to repair..." Here, it is said, "which is difficult to repair". Who has to judge i*? It is not based on any ob. jective criteria. It is based on the subjective consideration of the officers sitting in the North Block or the South Block. How are they going to define it? There is no defl. nition given in this? What is the meaning of 'repair"? What is the meaning of 'difficult to repair"? It is totally left to the bureaucrats.

Then, Madam, sub-section (6) of Section 9, enables them to levy some duties countervailing as well as anti-dumping duties. You can do it for the first five years. Then you can extend it for another five years. Then you can further extend it for one more year. So, according to the Bill, it can foe continued for 11 years. After 11 years, what will be the position? In case the Government of India wants to impose the anti-dumpin? duty on the same articles on which you ha^e already levied it, is there any possibility of the Indian Government levying the anti-dumping duty on the same articles? If it is not so. are you not going to actually deprive the rights of the future generations?

Then, Madam, they say about the most favoured nations. I feel that in the case of 'most favoured nations', we cannot put this anti-dumping duty. If we can, then let the Government say that we can put it even if it is the most favoured nation. I say this because we may have some sort of connection or some sort of an agreement with some other States. Suppose that State is a developed one. We are a developing State. How can we compete in the cost of production? We cannot compete unless .and until the productivity is- increased. If the productivity has to be increased, automatically sophietcated technology has to be applied. When the sophisticated technology is applied, automatically it will affect the employment opportunities. So, what I want to ask is; Without affecting employment opportunities, how are you going to reduce the cost of production? Why I am saying this is because recently we have an agreement with the United States in the textiles arena. In the textiles arena, what Mr. Mickey Kantor said is: "Within seven years, the Indian market is going to be fully opened for our products, for our American products." This is what Mr, Mickey Kantor told the United States. But, as far as we are concerned, after the first seven years, their quota system is going to be lessened in a phased manner—-that means, in the first seven years in a slow manner, and in the last three years in a fast manner. This is what we came to understand from the media because the agreement that has been signed by the Minister of State has not been revealed to the public or to the Parliament. We will know the correct position if a copy of the full agreement i.-" given jo., us. So, in the first seven years, we have to open the gates, and after seven years, the United States is going to open the gates. By this, don't you feel that we are humiliated in the international arena?

Then, Madam, take the case of gold. We made some arrangements so that gold smuggling does not take place. Suppose you want to put some anti-dumping duty, some countervailing duty. What will happen? What I feel is that-instead of proper imports, there may be smuggling. .It •may lead to an increase in the smuggling of gold. In that case, when smuggling takes place, automatically the earnings on the Customs -duty will be affected. How are you going to counter all these problems? Nothing has been, mentioned here about that. Nothing has been mentioned even on the question of priping and monitoring.

[Shri S. Vjduthalaj Virumbi]

Another important aspect is the impact on our culture. Mr, Chaturanan Mishra had emphasised this point. I would join with him in saying that our culture is be.ng eroded as a result of this influence; it 's getting degenerated. If you go to the metropolitan cities and see the wall-posters, if you see thte cinema-halls, you would find the extent to which the minds of our future generation are being corrupted by this cultural invasion. (Time-bell) Madam, just two-three minutes more. Now, marriage between a man and anot^ier man and tie {ween a woman and another woman is taking place. This sort of thing has come to India also. Some five years before, one could not see television serials with one's sister. Now, the situation is such that one canntsr see television with one's wife even. This is the kind of a situation which has come about now. This is the sort of cultural degradation which is taking place now.

Even though you have decided *t**> impose countervailing duty, even though you have decided to impose anti-dumping duty, what I feel is that there is still no safegaurd. The price shown would be according to market rate. There would be one price in the invoice and the actual price would he much less. There would be underhand dealings. The difference would be deposited in the foreign banks in the name of the person who had imported that article into India. I feel that this Bill does not contain any provision to stop such type of malractice. Nothing has been mentioned in this Bill. This would only result in black money; being generated. The black money generated in India would be deposited in foreign countries in dollars.

Madam, there are many, lacunae in this Bill. The Government says that the objective is to protect the Indian Industries. But this is not the way. The British, the French and the Portuguese came to India not with any army, not with guns. They came to India only with consumer goods. The consumer goods were followed by the army. But today, it is only consumer goods. There is no need for any army. The consumer goods themselves have becortu the arms and ammunition. Earrlier, they had used these two weapons, consumer goods and army. Now as I said, for the purpose of corrupting the minds of the future generation, the consume^ goods themselves have become the ammunition. This is what is happening to this country. I feel that another type of dictatorship is going to invade India from which it would be very difficult to liberate our country. Therefore, I *ray,* the sooner this Government goes, the better it is for the people. Thank you.

SHRI MANMOHAN SINGH: Madam Vice-Chairman, I am very- grateful to the hon. Members who have taken part in this debate. I discern that despite the differences over the overall thrust of our economic policy, there is a broad agreement that our country needs a Bill of this type to give protection to our industries.

Madam, we are living in a world where international trade is expanding at a much faster pace than the growth in world output. Also, there are opportunities for us in this world. Particularly, a country like India-^ I am convinced—cannot realise its full development potential unless it becomes a maior trading nation in the world I think, in our economic literature, there is an inadequate appreciation of the fact that although, in aggregate, our country is well-endowed with a lot of natural resources, on a *per capita* basis, we are not that well-endowed. If the Indian ecoenomv has to grow at a much faster rate than at the rate at which it ha^ been growing, imports become inevitable in the process of development-

[Shri Mohan Singh]

It is not a party matter. Our popu lation is increasing at the rate of 10 million. Our labour force is increas- ing at the rate of 10 million people. How are we going to get productive jobs for this population? Are these productive jobs going to be secured by this country continuing to grow at 3, 4 or 5 per cent? I respectfully submit that it cannot be done. The challenges that our nation faces and the aspirations of India's youth de. mand that we must set our eight higher and that can happen only if •We become active partners in the world trading System. Without that, India will be condemned to a slow rate of growth. It will mean more misery for our people. It will not mean prosperity, I think, of the type that Dr. Biplab Dasgupta and his friends have been promising us. So, Madam, the purpose of this Bill is very simple. We must ensure that those who come into this country in- dulge in fairplay; that they do not take advantage of the Indian market in a manner to dump their goods at artificially low prices, at levels of subsidies which are not justified. So, this is a measure to safeguard Indian industries' interests against unfair competition.

. Several questions have been raised whether it will succeed or not. This is an experiment. This is not the last word. A lot of case laws will he developed on these issues. Shri Agar- wal is not here. He said that we have to define what material injury is. We cannot legislate for all eventuali- ties. There are certain eventualities that one can envisage today; there are certain eventualities which one can. not envisage. In all these matters Case laws will be developed. I res- pectfully , submit that in years to come the most flourishing branch of law is going to be the international trade law. Whether one likes if or not the new rivalries among nations will be about economic matter?. Trade •disputes will grow. That is one area, therefore, where we need to develop capabilities. We cannot foresee all eventualities. We have to develop case laws and rules and regulations to ensure that our industry is not subjected to unfair competition

Shri Viren J. Shah referred to the use of certain words. These are the words which appear in the Agree- ment, but I will take note of the concern that he has expressed. As 1 Said, this law is not the last word on the subject. We will watch. We are committed to ensuring that this country will not become the dump- ing ground for foreign goods in i manner which smacks of unfair com- petition. If this law proves defective we will come before this House to amend it properly.

SHRI VIREN J. SHAH: What aboul the problem of judicial delays?

SHRI MANMOHAN SINGH: The House can rest assured that this is *i* matter in which we will remain alert I think it was Shri Shah who iaskec what mechanism we have in mind We have to frame rules. Well, this authority will be based in the Minis- try of Commerce. Even now we have a mechanism in the Ministry of Com merce. That mechanism will be used We have also provided in this Bil for appeal against the decision of the authority. The appeal will go CEGAT, which is a quasi-judicia body. Therefore, adequate safeguard have been built into this law.

Dr. Biplab Dasgupta asked for cer tain clarifications. I would not be able to deal with his philosophica thoughts against the new policy, b did ask specific questions about out policy to give subsides. When Shi Pranab Mukherjee was the Commerc Minister, he answered that questio: several times on the floor of thi House. Our ability to give subsidy i the area . of agriculture is limite not by our commitments under tl IATT rules; it is limited by ou fiscal concerns. Our ability, therefor

The question is; how are we going to finance our imports? For a long time, we have been financing a considerable part of our imports by borrowing and by concessional aid. That era of concessional aid on which we have been relying for the last forty-five years is coming to an end. Now, if we really want to become a truly self-reliant country, it cannot be done unless and until we lay more emphasis on increasing our exports, unless we ensure that more and more of our imports are financed through our exports. That is the broad thrust of our economic policy. It is not a question of surrendering our economic sovereignty. It is a question of strengthening our capacity to be the masters of our own destiny.

Before our Government came into office, in the last decade about 60 to 65 per cent of India's imports were being financed by our expous. The rest was being financed by foreign borrowings or through concessional aid. Today, 90 per cent of India's imports are met through exports. Contrary to what Dr. Biplab Dasgupta and others may believe, India's export I believe, after a iong time, is showing a healthy trend. I am not going to claim that that is enough or that what has happened in the last two years necessarily ensures that hereafter everything will be rosy in the Garden of Eden. We have to strengthen our competitiveness. That is the only way India can win respect in the comity of nations.

Why India? What about other countries? Madam if you look at the foreign trade of Indie* arid China, by the early '70's, China's exports and India's exports were roughly the same. Today, China's exports are over $ 100 billion. Our exports have gone up only to, let us say, $ 25 billion. China has the largest trade surplus with the United States. It is only through creating these linkages that you can create a greater economic space for India. You cannot create a greater economic space for India and you cannot win respect for India if you were to draw yourself into a narrow shell of the type that Dr. Biplab Dasgupta and his friends would like us to adopt. I am convinced that India is destined to be a major global player. It is India's destiny to be a major economic power house. For that, we need a strong economy, an economy which grows at a much faster rate than 3 or 3.5 per cent an economy in which international trade will be an important factor. We will import more. We will also export more. We will take advantage of the opportunities that are there in this new evolving economy. We will seek to avoid risks also.

Madam, if I look at the history of the world capitalism in the last 100 years, before the post war years, there were very few economies which threw up the growth rates that many developing countries have thrown up in the post-war years. I think, the liberalisation of international trade was taken advantage of by countries of East Asia. Lately China has taken advantage of it, but we have remained somehow mired in the fact that we cannot export more and that we should not export more. That is one of the principal reasons why, forty, fifty years after the Independence, the foreign exchange constraint has been such a binding constraint and it has restricted our opportunities for growth.

Today, the world offers us opportunities for the countries which can learn wherever best practices are available. I also admit that the world that we live in is also full of danger. There is a great scope if or leap-frog, ging. Several countries have leap-. *1* ragged. In the 1960's who would have said that if you looked at the world in the 1990s, South Korea would be at the top of the world? Every country would have said then that India would be the country at the top. That has not happened.

is not going to foe constrained by anything that we have committed in the GATT. Similarly, in other areas also, so long as we can tackle the balance of payments problem, there is a provision for us to make use of Subsidies. Therefore, there should be no worry on that particular account.

Dr. Biplab Dasgupta also asked why we removed export subsidies in 1991. At that time, this Agreement was not even signed. We removed those subsidies because we adjusted the exchange rate, which was a mach better way of providing an incentive for our exporters. Therefore, for fiscal reasons we decided that the ex. port subsidies that were being given had outlived their utility. That is why- we removed them. It had nothing to do with the GATT Agreement or anything of that sort. It was done for defending India's fiscal system and for bringing greater fiscal discipline without hurting India's exports.

Dr. Biplab Dasgupta asked whether we will be able to protect our farmers and whether we will continue to have the public Distribution System-. I do not think that there is anything in the GATT Accord which will prevent India from having a Public Distribution System, from having a system of procurement which will provide remunerative prices to our farmers. Already, I think the limits to subsidies are so extensive for tactical purposes that these limits will not be operative. Our ability to subside our economy, whether it is agriculture tor other sectors will be limited more by our domestic, fiscal concern than by the GATT Agreement .

Dr. Biplab Dasgupta also esked whether by doing this, we are subjugating ourselves to the World Trade Organisation. Now, the WTO is a multilateral organisation. One has to recognise that the world that we live in is not a morality play. The world is a world of power relationship there are inequalities among nations with regard to power. India has to flourish, India has. to carve out a more economic and political space for itself in a world which is inherently unequal because the world is unequal. We simply cannot take the view that we will not take part in that part of the world. The real thing is, as I said earlier, to take advantage of the opportunities that the world system offers and to be on guard against the risks and to minimise the risks that are inherent in this system- Exactly that strategy has been adopted by our Government- Let me say, if you do not have a multilateral system, then, you will have an international trading system which will ensure the law of the ju»gle where might is right, and that sort of a system will be much more injurious to the developing countries than a multilateral system in which decisions will be taken by consensus in which the majority of the Members happen to be developing countries, the countries of the Third World.

Madam, I think that I have covered most of the issues that have been raised with regard to the specific Bill- Shri Chaturanan Mishra is not here. Well, he did raise some questions about dumping- I have tried to answer some of these issues- We cannot legislate for all times to come- We cannot legislate for all eventualities, what constitutes dumping and what does hot. The case law will develop. We will remain alert in this raatter- With these words. Madam, I request Members of this House to pass this Bill unanimously

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Viren J. Shah, are you withdrawing your Resolution?

SHRI VIREN J. SHAH: Madam, first I want to make some submissions. As I said in the beginning, the major purpose of my bringing this Resolution is to oppose this system of gov-

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erning by Ordinance- The hon- Finance Minister did mention that he shares our sentiments and would like to see that it does not happen- We have heard the same statement from other Ministers also, in the past. So far as the Finance Ministry is concerned, it is one Ministry on which he can have control. I do hope that he would make efforts to see that it does not happen again. The debate has brought up a number of points. On the Ordinance, I want to say one point.

That is, from 1991 onwards when we- opened our economy or started opening our economy and started economic reforms after years of a closed economy from the point of view of imports, we were throwing open imports, gradually increasing the products to be imported. Was that not trie time for thinking about bringing in anti-dumping measures? There must be certain concomitant steps to be taken regarding various policies or decisions that we take? When we kept our doors closed, we had tariffs of 200 per cent or 300 per cent. This was, perhaps, not thought of. When we started reducing the tariffs and also started opening out different products for imports, that was the time when someone in the Government could have applied his mind that dumping might take place, and, at that time, there was nothing; to my mind, which could have prevented India from enacting a law, similar to the laws that other countries had a law which would have enabled us to take effective steps against dumping. And I gave an example in the morning when I started my speach, that a country like the United States, which claims to be great believer in free trade, etc-., has; in many aspects, a very protective system Of tariffs. It was so protective that It had weakened its own industry- eiulier. Even" they could have the laws. There was- nothing in the world to prevent us. Even though the Dunkel Draft was there, the Uruguay Round of Negotiations were going on, these was nothing internationally or na-tionally which could have prevented us from applying our minds and having anti-dumping measures introduced in time. That could have avoided the Ordinance aspect. Why I am saying this is only, to point out tha^ from now onwards there will be many areas where major changes- would be taking place. With those changes if we do not apply our mind to make certain consequential ;md concomitant changes; we will land ourselves' in a- similar situation which would, again, force us eithes to do something in- haste or to bring in an ordinance at a latter stege, which is avoidable- That is not point that could be kept in mind- Listening to the hon. Finance Minister yesterday and today and even earlier also,—I do not want to put him in an embarrassing position but—if *one* analyses what he has said,—in fact, what "he said right now was that certain forty years old or fifty years old policies of ours kept us in a peculiar situation, and he gave the example of South Korea—this is precisely an example which I used to give at different places that even small countries also could move because they did not tie themselves up with shackles—like we did to us in India. Unfortunately, without saying it, I would not ask Dr. Manmohan Singh to say it but if it was a political person" like Mr. Ghulam Nabi Azad or Mr. Pranab Mukherjee, I would have asked him, "Be bold and say it with conviction that we followed wrong policies in the last 40 years." We realise now that we are changing. Mr. Ghulam Nabi Azad said, "we are changing." But I am not asking Dr. Manmohan Singh in those categorical terms because I do not want to embarrass him, but that is precisely what comes out This is precisely what people

like us were saying for the last 3C years that the kind of regulatory mechanism that we had brought in. the kind of closed-door policies that we had brought in resulted into what the hon. Finance Minister has mentioned. But we did not allow our exports to grow. We depended on certain kinds of policy-framework which led us to a situation today where if you want to matter in the global system, where we brought down our exports from a 2 per cent global level when we got independence, to less than 0.& per cent in global terms calling ourselves Mera *Bharat Mohan,* etc.—we should have the right kind of management. In the global context we started shrinking—not *Mohan,* but *Laghu*—, we began shrinking, in the global foreign relations, blobal monetary aspect and global trade aspect, and I am extremely sorry to say that India rates very low. Well^ we have taken some steps now to bring about a change and I hope, we would succeed provided that we have the right kind of management, Governmental management, of which unfortunately, particularly for the last \\ *or* 2 years, one does not see much evidence. We do not see any evidence of transparency in many deals which take place, whether it is in power or in the oil sector or in the telecom sector or in the civil aviation sector or whatever it is. So^ transparency should be there to the people in India and to the people outside. It is related to this Bill. What is related to this Bill is the statement made by the hon. Finance Minister about the need for India to be a partner in the global trade system. There should toe a clear perception about the global trade system and India becoming a partner in the minds of the people not only in India but also outside; Here is a country which means what it says, here is a country where the governmental management is such that it carries out the policy declarations made by its Prime Minister and other Ministers at different places. Not tie down to a variety of procedural matters which will take a couple of years to get through giving an impression of lack of transparency. I will not deal with, that any further.

1 am somewhat disturbed, ii I may say so, that this is where my party has a very strong objection. I got an impression that it would be the international trade laws that would prevail. The Finance Minister also mentioned about certain aspects which indicated or implied that—it is applicable not only to India but also to other countries—there would be restrictions on the sovereignity as it was thought of earlier. Under the world Trade Organisation and the international law the countries, not only India but other countries also, would, to that extent, not be in a position to make laws which are in contradiction with those internationally accepted practices. Now this is what our party had strongly protested against when we protested against GATT negotiations and the Dunkel Draft and we took that line. The question is that if you are part o<f the global network, the international trade law, certainly one would expect that you should be bound by some of the laws that are there. The extraordinary thing on which I would like someone on some day to enlighten me is that a country like China is dying to become a member of the World Trade Organisation. China has been dying to become a member, if I may use that phrase, for over three years and has been negotiating with the United States and others. They have not yet officially given up Marxism. They have not officially given up Communism. They have not officially given up the kind Of attitude that we, in our country, still take. But what are the factors which made a country, slightly bigger than India, which was behind India in many economic activities in 1947, to move ahead, particularly from 1970 onwards? A remarkable change took place in China's policies. It will take some years before our friends here change from Mao's policies to Deng's policies. But that

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is beside the subject. What are the factors? I am asking this to educate ourselves. We, not only the Members of my party but also my other colleagues on the left and the right up to the Treasury Benches, have certain apprehensions as to what might happen to our own sove. reignty, to our own peoples rights. In this situation, when a country like China is desparately trying to get into the World Trade Organisation, why is it that some of our parties are sometime thinking that India's joining the World Trade Organisation would b damaging to us? I would lil"^ to understand as also others would like to understand whether our perceptions are right or wrong, whether we eare going to cause damage to the country, India, or whether we are, from ten years now, going to be in a position of tremendous global strength. This needs to be clarified.

Madam, I don't wish to add anything more. As I mentioned in the beginning, my objection was in principle to the whole question of bringing an Ordinance. In this matter I am not standing on principle which I did yesterday and if the House permits, I would like to withdraw my Resolution.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Mr. Viren J. Shah, are you withdrawing the Resolution or pressing it?

SHRI VIREN J SHAH: I seek the leave of the House to withdraw it.

The *Resolution was, by leave withdrawn*

THE VICE-CHAIRMAN (MISS. SAROJ KHAPARDE): Now, I put the morion.....

SHRI VIREN J. SHAH: Madam, would the Minister like to make a comment on what I said?

SOME HON. MEMBERS: No.

SHRI VIREN J. SHAH: It is not for other Members to say 'no' or Yes'. It is either for the Chair or for the Minister to say 'yes' or 'no'. The other Members sitting behind think that Dr. Manmohan Singh is so debilitated that he is incapable of thinking or incapable of making up his own mind. Please have a little faith in your Finance Minister.

SHRI V. NARAYANASAMY: Madam, Mr. Shah has withdrawn his Resolution. So, there should be nc reply.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Now, the question is:

> *"That the Bill* further to amend *the Customs Tariff Act,* 1975, *as passed by the Lok Sabha, be taken into* consideration."

The motion was adopted.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): We shall now take up clause-clause consideration of the Bill.

.. Clauses 2 *and* 3 *were added to the Bill.*

Clause 1, *the Enacting Formula and the Title were added to the Bill.*

SHRI MANMOHAN SINGH: Madam, I beg to move:

That the Bill be returned.

The *question was* put and the motion *was adopted,*

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): I will adjourn the House for lunch till 3.30 p. m.

DR. BIPLAB DASGUPTA: Madam, kindly adjourn the House for on* hour.

. THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Okay. I adjourn the House for lunch till 4 o'clock.

The House then adjourn for lunch at fifty-eight minutes past two of the clock.

THE HOUSE REASSEMBLED AFTER LUNCH AT ONE MINUTE *PASS FOUR OF THE CLOCK, THE* DEPUTY CHAIRMAN IN THE CHAIR.

.Re. *Taking up\ patents ordinance for discussion*

THE DEPUTY CHAIRMAN MR. S. B. CHAVAN.

^fHE LEADER OF THE HOUSE AND THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): Madam, I have a small submission to make. I request specially our friends in the Opposition. We should be able to take up. the Patents Ordinance "which., in fact, is going to be con. vented into a Bill. This is an international commitment that we have entered into. It is but natural that things which have international repercussions, should get priority over other Government business. We should also take into account what we agreed to at the international level. After all, it is a question of other Bills and the Patents Bill. Normally, we give preference to an Ordinance being converted' into a Bill and then take up the regular business. All the three are Government business only and among these, we would like to give preference to the Ordinance which is now being proposed to be converted into a Bill. I would also request hon. Deputy Chairperson that she may fix up the time tomo-(raow, immediately after the Question Hour, for voting so that we are able to finish this business well before time.

SHRI S. JAIPAL REDDY (Andhra Pradesh): Madam, we all know that all the Ordinances promulgated by the Government are to expire on the 26th or 24th.

THE DEPUTY CHAIRMAN: The *21ib.*

SHRI S. JAIPAL REDDY: It is 124th, as far as the House is concerned. We do not see as to why the Patents Ordinance should take precedence over other Ordinances. He has talked of international commitments. Well, I think, he has entered into international commitments unilaterally, It is for him to take care of those commitments. We are not privy *to* that. Everybody in India and outside knew that he WTO was to come into existance on the first of January. The date was absolutely well anticipated. Yet, the Parliament was kept in the dark. Behind the back of Parliament, they brought forward an Ordinance and tried to confront Parliament, the people of India, with a *fait* accompli. Now they have surreptitiously brought it as a supplementary business which I strongly protest. I suggest that the business, as listed, be con. formed to.

THE DEPUTY CHAIRMAN: I just want to inform... *(Interruptions)*

DR. BIPLAB DASGUPTA: Madam...

THE. DEPUTY CHAIRMAN: I will permit you. I just want to take the House into confidence because I never like to do anything, —by 'I', I mean 'the Chair'—the Chair never likes t6 do anything without taking the House into confidence. We have take up all the Ordinance which we had to discuss. You have been very halpful in' getting all the Ordinances passed. We passed an Ordinance today also. The thing is that we wanted to get this particular Bill i;sted in yesterday's Agenda itself. But, as you perhaps know, as regards an ordinance, we have get a message